

S. HRG. 108-737

**DEVELOPMENT IN LINCOLN COUNTY, NEBRASKA; DESIGNATE  
WILDERNESS IN OREGON; AND REFORESTATION OF APPRO-  
PRIATE FOREST COVER ON FOREST LAND**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS  
SECOND SESSION  
ON

**S. 2532**

TO ESTABLISH WILDERNESS AREAS, PROMOTE CONSERVATION, IMPROVE PUBLIC LAND, AND  
PROVIDE FOR THE HIGH QUALITY DEVELOPMENT IN LINCOLN COUNTY, NEVADA

**S. 2709**

TO PROVIDE FOR THE REFORESTATION OF APPROPRIATE FOREST COVER ON FOREST LAND  
DERIVED FROM THE PUBLIC DOMAIN, AND FOR OTHER PRPOSES

**S. 2723**

TO DESIGNATE CERTAIN LAND IN THE STATE OF OREGON AS WILDERNESS, AND FOR OTHER  
PURPOSES

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SEPTEMBER 14, 2004



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## **DEVELOPMENT IN LINCOLN COUNTY, NEBRASKA; DESIGNATE WILDERNESS IN OREGON; AND REFORESTATION OF APPROPRIATE FOREST COVER ON FOREST LAND**

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**TUESDAY, SEPTEMBER 14, 2004**

**U.S. SENATE,  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.***

The subcommittee met, pursuant to notice, at 2:48 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Larry E. Craig presiding.

### **OPENING STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO**

Senator CRAIG. Good afternoon, ladies and gentlemen. Let us apologize for running a bit late. We've had votes that got scheduled at the last minute, as we're in the final days of this session—or, I should say, before recess and/or adjournment in or around the 8th of October.

But I want to welcome everyone to this hearing of the Public Lands and Forests Subcommittee of Energy and Natural Resources. I especially want to welcome Senator Reid—who will be arriving soon—and Senator Ensign, who are here to give testimony today on S. 2532, the Lincoln County Conservation, Recreation, and Development Act of 2004. I know this is a very important piece of legislation to the city of Las Vegas.

I want to welcome our ranking member, who is yet to arrive, but I know he is en route, we chatted a few moments ago—Ron Wyden, of Oregon—as well as his colleague, my colleague, Senator Gordon Smith, who is with us, of Oregon. We will hear testimony on S. 2709, the National Reforestation Act of 2004, and S. 2723, the Lewis and Clark Hood Mountain Wilderness Act of 2004.

Given the number of acres that have burned in the West in the last decade, I believe that what Senator Smith is doing is a great service by introducing S. 2709. And who couldn't help but get excited about a wilderness bill named after Lewis and Clark. They're into the Dakotas at this moment. They have stopped their movement westward for the year, and they're beginning to build a winter camp. And so we hope the Indians in that general area will be peaceful for the balance of winter and early spring before they head out again. The Lewis and Clark and the Mount Hood areas—of course, these mountains guard the great city of Portland, Oregon.

I see we have two public panels of witnesses to testify on these three bills, and I want to welcome all of you and thank you for taking the time to come and testify on these bills.

Last, but not least, I certainly want to welcome Under Secretary Mark Rey and Assistant Secretary Rebecca Watson back yet one more time this year before our committee to give testimony on these key pieces of legislation.

I will keep my remarks very short.

In the case of S. 2532 and S. 2723, I see wilderness bills that include provisions not normally addressed in this type of legislation. I want the sponsors to know that I believe that introducing such bills makes it more difficult to resolve these kinds of proposals in our Committee. In my view, wilderness legislation proposals that stay within the four squares, if you will, of the 1964 Wilderness Act are proposals that move most quickly. But we will work through this effort with the committee and with the principals involved here to attempt to resolve the collection of issues I see there.

In the case of S. 2709, I think it is important legislation, and I want to thank Senator Smith for its introduction. I am concerned that it could be interpreted to require the Forest Service to have to plant trees in wildernesses or other areas withdrawn from active management. But I will be happy to work with the Senator to clarify the limits of the requirements to plant after fires and other natural events that deforest our public lands.

We have a very full hearing. I will be enforcing the 5-minute rule—or, I should say, my colleague Gordon Smith will be enforcing the 5-minute rule so that we can get the testimony out of the way and have an opportunity to ask questions of those who are here to give testimony.

I'm going to have to leave in a few moments to a full appropriations markup on a couple of key pieces of legislation, one of them that involves your budget, Rebecca, and one of them that involves your budget, Mark. And so I suspect you would want me there, rather than here, and that is where I'll be.

Anyway, we want to thank you very much for attending today. And Representative Gibbons, of Nevada, will also be here.

Now, let me turn to my colleague Gordon Smith for any opening statements he wants to make. And in so doing, I'm going to transition the gavel to you, if you want to assume this position.

Again, thank you all for attending today.

**STATEMENT OF HON. GORDON SMITH, U.S. SENATOR  
FROM OREGON**

Senator SMITH [presiding]. Thank you very much, Mr. Chairman.

And let me say, at the outset, on the Lewis and Clark Mount Hood Wilderness Act of 2004, this is a piece of legislation that my colleague Ron Wyden has introduced, and I am working with him in good faith on this. I am not opposed to this legislation, but I feel it important to raise concerns that I have with him as we work towards a resolution.

And I will be candid, there are three areas where I have some concern. And, for the record, let me state this, but, as a predicate, make it clear that something that both I and Senator Wyden value a great deal is a constructive working relationship together for Or-

egon's sake. And as we work together on this piece of legislation, that relationship will not be put in jeopardy.

And do we want to hear from Senator Reid now?

Senator CRAIG. Go ahead and make your opening statement.

Senator SMITH. Senator Reid, are you in a hurry? Because I would interrupt my statement for you.

Senator REID. The honest fact is, Senator Cochran is waiting for me on the Senate floor. We're trying to finish this bill.

Senator SMITH. I would actually prefer to make my statement with Senator Wyden here.

Senator REID. He will be here. I just saw him check into the men's bathroom.

[Laughter.]

Senator SMITH. He's getting up there, it may be awhile, I don't know.

[Laughter.]

Senator SMITH. Then, Senator Reid, let us—I'm going to withhold on my opening remarks, then, and we will turn to your opening comments.

#### **STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA**

Senator REID. Senator Craig, if I could just say, I really appreciate very much you and Senator Wyden and others arranging this hearing. I appreciate it very much.

Let me say, this bill is very important, and it does something I think could be a model for what goes on around the country.

Nevada is a unique State. It is the most urban State in America. People don't realize that. Ninety percent of the people live in the metropolitan Reno/Las Vegas areas. Only 10 percent of the people live outside of those two metropolitan areas. But the 10 percent are just as important as the rest of the people within the State.

This bill involves Clark County, the most populous county in the State of Nevada. We don't know how many people are there, but approximately two million people in Clark County. Lincoln County is adjacent to Clark County—in fact, in 1908, they were split. At one time, Lincoln County was the largest county, area-wise, in the entire country. But today it's a county that has about 5,000 people in the whole county. It's a large county, still, area-wise.

Ninety-nine percent of Lincoln County is owned by the Federal Government. They have no tax base to do anything. They are desperate for some way to build schools. The last school was condemned, and the State legislature, in spite of Nevada really believing in local control of schools, had to pay for the building of a new school, because it had been condemned. This is a bill that Senator Ensign and the entire congressional delegation from Nevada, believes is a win for both Lincoln and Clark Counties. It will help Clark County with many of its problems, and it will help Lincoln County with their problems.

Senator Ensign and I did a bill for southern Nevada which we think is a model for this. It takes care of the very difficult problems we have dealing with wilderness, which is so contentious on a lot of occasions. But even though Senator Ensign and I have different views on what should happen with wilderness, this was a com-

promise, the southern Nevada lands bill, the same as with the Lincoln County lands bill. It's a very good bill, because Senator Ensign and I are both unhappy with the situation and I think that's a good sign that the bill is good. And we have really worked hard to compromise. We think we have something that is good for the most populous county and one of the least populous counties in the entire state of Nevada.

And we appreciate very much this subcommittee moving this as quickly as you can. It is very important to both Clark and Lincoln Counties that we move this legislation.

Senator SMITH. Thank you, Senator Reid. We will heed your advice. And even Senator Wyden and I could learn something from the example you're setting there, I'm sure.

Senator REID. I will say this to everyone here assembled. Senator Smith/Senator Wyden really did set a good example for Senator Ensign and I. I think you have been a model of how two Senators with opposite political persuasions can get along for the good of the State, and we've watched you very closely. And Senator Ensign and I have tried to model our performance after the two of you.

Senator SMITH. Thank you very much.

Senator WYDEN. Without turning this into a bouquet-tossing contest, let me say, in addition to a thank you for those kind words, Senator Reid, I have looked at the bill that you and Senator Ensign have put together. I think it is an excellent bill, and I intend to work with Senators Smith and Craig and all of our colleagues here to see if we can move it just as quickly as possible. It's a fine bill.

Senator REID. Thank you.

Senator SMITH. Thank you.

Senator Ensign or Congressman Gibbons aren't here yet. I don't see them. Why don't I, in the interest of time—we've started, Ron, and I was just indicating that, on your Mount Hood Wilderness bill, that this was not a bill I opposed, but a bill that you and I are working on, and in good faith. And I was going to raise three areas of concern that I have that we are working on. And I can let you go first, if you would prefer.

Senator WYDEN. No, whatever is your pleasure. I thank you, as usual, for your thoughtfulness. And we are, in fact, going to work very closely together with this, as on all matters for our State.

Senator SMITH. Let me, then, discuss openly some of my concerns about wilderness on Mount Hood, about my willingness to proceed on this bill.

Wilderness, I think, as everyone here knows, is the most rigid land-management designation that is available to the U.S. Congress. In fact, this one is very close to our largest metropolitan area. And my concern is that we would do this and find some unintended consequence that affects the lives and the livelihoods of lots and lots of people living in and around that mountain.

So what I'm trying to do is focus on what are the real risks to that area, that mountain and its resources, and what are the right solutions?

One of the things that may be suggested as a problem is timber harvest on Mount Hood. The people of Portland don't want to see timber harvests close to them. I understand that. And yet I also want to say that the threat of timber harvesting on Mount Hood

is negligible anymore. And I have a chart that I think would be helpful for the people viewing this to see so you will understand what has happened long ago, in terms of timber harvests on Mount Hood.

And maybe you can show the folks. I've seen it.

This is what's happened to timber harvests over a number of years. So this designation should not be seen about protecting trees. The trees around Mount Hood are not going to be harvested; and that's on the basis of current law, not additional law.

Secondly, or rather as part of this first concern, part of the land that is included in Senator Wyden's proposal are what are known as matrix lands, those lands which are still managed for the President Clinton's Northwest Forest Plan. And so one of my concerns is, if we're taking matrix off of this land, shouldn't we place matrix on some other place that is of less environmental concern to people? And my feeling is that we should, because right now, with all that the Bush administration is doing, even they are only meeting 22 percent of what President Clinton promised, in terms of sustainable harvest, in the State of Oregon. So we're a long way from meeting the commitments that President Clinton made, even as administered by President Bush. So my view is, let's figure out where to put some of the matrix lands when we take it away from this.

Secondly, I know Senator Wyden has made a great effort to include the concerns of mountain-bikers, snowmobiles, and recreational groups. I would also throw in there the elderly, the disabled, people who are used to going to Mount Hood and want to continue going. And I'm concerned that they continue to have the ability to recreate without leaving the state of Oregon for these kinds of activities.

This legislation, as proposed, impacts roughly 460 miles of snowmobile trails, and I'm interested to find out what we are doing to provide for this interest, because I know there are lots of people that like to snowmobile up there. And I am concerned about what impact this may have on the Mount Hood ski bowl, as well.

So my third and final concern on the bill is how it overlays with existing environmental laws, such as the Clinton Northwest Forest Plan and the Columbia River Gorge National Scenic Act. These things need to be going in the same direction and not at cross purposes. I know Congressmen Walden and Blumenauer are holding meetings on this, and are trying to work on that side of the Hill to a resolution of these concerns.

So those are my three areas of inquiry on the bill, and Senator Wyden and I will work on those together in good faith.

My final comment is about S. 2709. This is a bill that concerns me greatly because of some of the things that are happening with respect to the Healthy Forest Initiative, its ability to proceed, the ability to get salvage off in a timely manner, and all that goes into obstructing efforts to manage the land in a way that grows trees and that ultimately leaves our environment something other than just a charcoal moonscape.

And I am aware that, right now, on the Biscuit Fire, there are lawsuits enjoining anything from going forward. And I am concerned about that, because I think that time is of the essence, and

opportunity is lost, and, as I view it, the environment is none the better.

I have a couple of charts, if we could put those up. The first one is the Forest Service Reforestation and Timber Stand Improvement Report. This here shows us that overall funding for, and the actual reforestation, is decreasing, while the reforestation backlog has reached an all-time high. Nearly one million acres.

There's another chart here. There's a stark difference between reforestation on Federal land and private land. This chart shows two areas within 100 feet of one another, both burned in the 1994 Hull Mountain Fire in southern Oregon. On the right is BLM land. On the left is Boise Cascade. The pictures speak more eloquently than I can speak to them.

Federal law already requires that clear-cuts on Federal land be replanted within 5 years of harvest to assure the return to forest cover. That makes sense, since harvest removes the seed material for the next forest. What doesn't make sense is that there is no similar requirement after fires. Catastrophic wildfires have a far worse impact on the land and the water than even a Canadian-style clear-cut. These fires remove the seed source from the land, sterilize the soil, and lead to serious erosion that takes out roads, clogs fish-bearing streams, and pollutes municipal watersheds.

My legislation would simply trigger the same reforestation requirement for high-intensity forest fires—the same standard as we have for clear-cuts. It also triples the amount of funding going into the Reforestation Trust Fund from 30 million to 90 million, and authorizes cooperation with land-grant colleges like Oregon State University on rehabilitation projects.

The real issue here is that Americans want green forests, not blackened ones. And if radical environmental groups and the Federal courts don't understand that, then the Congress needs to etch it clearly into the stone of Federal law.

There is no better example of the need for statutory change than what is happening right now on the Biscuit Fire Recovery Project. The 2002 Biscuit Fire in Oregon was the Nation's largest in 2002 and in my State's history. After 2 years of analysis, the Forest Service announced a modest plan to salvage dead wood that covers a mere 5 percent of the burned area and reforest a total of 6 percent of the burn. But even this scaled-down rehabilitation plan is now being challenged by appeals and litigation. Forty percent of the value of the dead wood is already gone, because of bugs and blue stain. Between the rot and the risk of court-ordered delays, salvage sales may not even get sold. That means no funds will be generated for reforestation and replanting, and the Siskiyou National Forest will revert to brush fields and charcoal for the next hundred years. Court-ordered mediation is set to begin this week, yet environmental groups have secured an injunction in the Ninth Circuit, as I've indicated, on a third of the Biscuit Project, and more lawsuits may be filed.

I cannot allow this to happen on my watch if I can do something about it, and I want to send a simple message to those involved in the Biscuit litigation. If mediation this week fails, and the Biscuit recovery gets tied into a judicial slipknot, I will advance legislation as a solution. I've introduced that solution as an amendment to my

reforestation bill under consideration today, but, if needed, I will find an appropriate vehicle to attach it to in this session.

The form of this should not be a surprise to anyone. It is the same form used by Senator Daschle, who recently faced a similar situation in South Dakota.

My amendment protects all three records of decision for the Biscuit Fire Rehabilitation Project from judicial review and administrative appeal. It also includes a 63,000-acre wilderness designation that has been recommended by the Forest Service.

Lastly, the amendment prohibits the Government from paying for the attorneys fees of anyone involved in the litigation, whether that be environmentalists, the timber industry, or a state. There is ample precedent for this action, even beyond South Dakota.

In 1988, Congress passed language shielding the recovery project for the Silver Fire from judicial review. Ironically, the Biscuit Fire re-burned the same areas as the Silver Fire. And as recently as last year, Congress passed language allowing the recovery of forest fires in the Kootenai National Forest in Montana.

This is an emergency situation, and we need to get the dead wood out and the new seedlings in on the ground as soon as we possibly can.

That is my statement.

Senator Wyden, would you like to go now?

Senator WYDEN. I think, Mr. Chairman—I see Senator Ensign, and we already tried to pass the Reid-Ensign bill in your absence, when Senator Reid was here. I think, Mr. Chairman, I would like to be courteous to Senator Ensign and let him go. And then when he's done, I could talk a bit about Mount Hood. But I want to welcome our colleague, and I think he has got a fine bill, and I already indicated I want to see it passed as quickly as possible.

#### **STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA**

Senator ENSIGN. I appreciate that, Senator Wyden.

Thank you, Mr. Chairman, for allowing us to testify today. I will keep my comments very brief.

Thanks, Senator Reid and Congressman Gibbons, for helping us with this legislation. It's really been a great bipartisan effort, and the entire Nevada delegation supports our legislation.

I worked, when I was in the House of Representatives, on a piece of legislation for Clark County called the Southern Nevada Public Lands Management Act. That piece of legislation, at the time, was opposed. It took two different Congresses to get that through. All of the stakeholders were at the table—environmental groups, the Federal Government, State governments, local developers, recreationalists—everybody was at the table when we were drafting this legislation. And it came down to, nobody was totally happy with the bill, but everybody said, "Okay, we'll go forward with it." When you're dealing with these lands bills, there's a lot of different interests you have to keep track of and try to satisfy.

Looking back on that legislation now, it has been model legislation, especially in States that have so much land owned by the Federal Government like in the State of Nevada.

Senator Reid and I worked on another piece of legislation called the Clark County lands bill, where we used the previous legislation as a model and went even further. We designated Sloan Canyon as a place with petroglyphs, protected that. We designated some wilderness areas, took other places that were not wilderness off the table. And we provided for some economic opportunities and did a lot of things for the environment. And, once again, nobody was real happy about the legislation, but everybody, at the end of the day, looks back retrospectively at the legislation and says, "That was a great piece of legislation."

Well, today we're talking about Lincoln County, which is a very large county, very sparsely populated county. 98 percent of the land there is owned by the Federal Government. They have very little opportunity for economic development. And they're land-locked. What the legislation does today is, it opens up 87,000 acres. Some people say that sounds like a lot, but when you're talking about a county that is larger than a lot of the Northeastern States, it is really not a lot of land.

We are designating 770,000 acres as wilderness. Some people wanted two million. Once again, some people didn't want any. So this was a compromise.

The legislation allows for recreation, tourism, economic development, environmental protection. And, overall, I think it is going to be a very positive piece of legislation for the people in Lincoln County, as well as the people further down south, in Clark County.

Senator Reid, Congressman Gibbons and I just did a townhall meeting up in Lincoln County on this piece of legislation. People turned out in pretty good numbers. It was nice to see the citizens participate in the process. There were people that weren't real happy with some pieces of the legislation, as we knew, that they would object to certain pieces. We have worked out almost all of the concerns locally. I think people are really excited about the legislation, and I'm looking forward, with your support, to getting this thing to the floor and getting it into law this year, because I think, once again, it will further the model of what we did in Clark County. We are trying to do this similar legislation in every county in the State. As you know, there is nothing more controversial than dealing with wilderness issues. And when you can do what we have done in this legislation and the Clark County Lands Bill, I think that eventually it could be even the model legislation that a lot of other Western States can use. If we can continue to prove success with it in bringing all of the various groups together, I think it will go a long way toward solving some of this controversial work that we have left to do in most of the western states.

So thank you, again, for allowing me to testify. I'd be happy to answer questions, and I would ask consent that my full statement be made a part of the record.

[The prepared statement of Senator Ensign follows:]

PREPARED STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Mr. Chairman, Senator Wyden, thank you very much for holding a hearing today on S. 2532, the Lincoln County Conservation, Recreation, and Development Act of 2004. As the sponsor of S. 2532, I am grateful for your including this important bill on your busy hearing calendar as the 108th Congress winds down for the year.

S. 2532, and its companion in the House of Representatives, H.R. 4593, have the bipartisan support of Nevada's entire congressional delegation. These identical bills are carefully crafted compromises. I can speak for my Nevada colleagues when I say that there are things in these bills that each of us does not like. So is the nature of compromises. On whole, the Lincoln County Conservation, Recreation, and Development Act of 2004 is a good piece of legislation and it should be passed.

Lincoln County, Nevada, is a sparsely populated county north of Las Vegas and metropolitan Clark County. The county's nearly 4,000 residents are hard working people. They want to increase economic development opportunities and the chance for their children and future generations to stay in Lincoln County. I do not believe this is too much to ask. However, the staggering amount of federally-controlled land in Lincoln County—98 percent—simply does not allow for economic development. This bill seeks modest changes to the land ownership pattern to allow Lincoln County to grow and increase its tax base, and gives residents the most basic of tools to prosper. We accomplish these goals through land disposal, tourism development, parks expansion, wilderness designation, and potential water resource development.

The Lincoln County Conservation, Recreation, and Development Act of 2004 is modeled on an innovative law that I co-authored as a member of the House of Representatives with former Senator Richard Bryan. That measure, the Southern Nevada Public Land Management Act of 1998 (SNPLMA), is widely regarded as a huge success. A successor law I wrote with Senator Reid and Congressman Gibbons, the Clark County Protection of Lands and Natural Resources Act, followed SNPLMA in 2002.

These southern Nevada bills can and should be replicated in every county in Nevada. Many other western states with large public land holdings may benefit from this model as well. The premise is simple: not all land is suitable for public ownership, and other public lands are suitable for increased protection. We required the auction of non-suitable federal lands to accommodate growth around Las Vegas, with the proceeds going to support parks, trails, infrastructure, and education.

Conversely, we settled long-standing wilderness disputes by designating dozens of permanent wilderness areas, releasing wilderness study areas to multiple use, and creating conservation areas. Years of fierce disagreements between developers, land use advocates, governments, environmentalists, conservationists, and utility providers were settled. Bringing together people from diverse interests has actually proved to be a very healthy exercise in southern Nevada; it has fostered better cooperation that will benefit generations to come.

#### SUMMARY

##### *Title I—Land Disposals*

S. 2532 directs the Secretary of the Interior to sell up to 87,005 acres of federal land adjacent to the communities of Alamo, Panaca, Pioche, and Rachel, among others, over ten years. Of the 87,005 acres, the Secretary may exclude 10,000 acres from sale if the lands are not suitable for disposal due to environmental or cultural reasons. We included this flexibility to ensure that only public lands suitable for disposal are developed. The proceeds from the land sales are directed to the Bureau of Land Management, Lincoln County economic development, and Nevada's State Education Fund.

##### *Title II—Wilderness*

S. 2532 designates 769, 611 acres of permanent wilderness in Lincoln County, while releasing 245,516 acres from wilderness study status. Two areas that were not studied for wilderness values (Big Rock Wilderness and Mt. Irish) are designated, and I believe they are worthy of the wilderness qualities envisioned in the Wilderness Act. In all, 14 separate wilderness designations are in this bill.

Lincoln County has stunning natural areas and I support the wilderness compromise in this measure. While I know that many citizens in Lincoln County would prefer no wilderness or less wilderness, the wilderness acreage designated in S. 2532 is much less than the two million acres of wilderness proposed by some advocates.

Concerning cherry stems, our guiding principle has been to ensure that legitimate existing routes in wilderness areas are excluded from the boundaries. We will not close existing routes in wilderness areas.

##### *Title III—Utility Corridors and Rights-of-Way*

S. 2532 designates utility corridors in Lincoln County for the Southern Nevada Water Authority and the Lincoln County Water District. Subject to compliance with the National Environmental Policy Act (NEPA) and decisions from Nevada's state water engineer, these utility corridors may be used for the transmission of water

to Clark County and for in-county water resource development. Over a decade ago, the Las Vegas Valley Water District filed for water rights in basins in Lincoln County. Those filings will be adjudicated under state water law.

The unprecedented drought in the West has accelerated the need for southern Nevada to develop its own in-state water resources, just as the other states using the Colorado River have done. Nevada receives a very small allocation from the Colorado River—300,000 acre feet—that was legislated when Nevada's population was sparse. Metropolitan Las Vegas relies on the Colorado River for over 90 percent of its water needs, a very high percentage from a single source. Today, southern Nevada is home to almost two million people. I believe we are acting responsibly to at least plan for southern Nevada's and Lincoln County's future water needs while ensuring that an Environmental Impact Statement and NEPA compliance are required before any action is taken. I would support our state water engineer's decision on potential water transfers from Lincoln County.

S. 2532 relocates a BLM right-of-way that was reserved in a land trade in the late 1980s. The right of way traverses private land in Lincoln and Clark Counties that is slated for development. The Secretary will receive fair market value for the relocation and a private party will pay all relocation costs associated with the relocation.

#### *Title IV—Silver State OHV Trail*

I am particularly pleased with the provisions in this bill that will establish a 260-mile off-highway vehicle trail through Lincoln County on existing roads and trails. As the population continues to increase in the Las Vegas metropolitan area, there is a great need for off-road recreation opportunities in close proximity. By establishing appropriate and challenging routes for off-road vehicle enthusiasts to enjoy, we can protect important environmental and cultural resources from being inadvertently destroyed. The potential for Lincoln County to increase tourism is bolstered by the establishment of the Silver State OHV Trail. Stakeholders will have a lengthy and open opportunity to devise a plan for the management of the trail.

#### *Title V—Park Conveyances*

S. 2532 sets aside federal land for parks and natural areas for the state of Nevada and Lincoln County. These conveyances will expand existing state parks managed by the state, set aside new parks for the county, providing additional recreation, tourism, and economic development opportunities.

#### *Title VI—Jurisdiction Transfer*

S. 2532 expands the Desert National Wildlife Refuge and reverts DNWR lands to BLM status.

#### CONCLUSION

Nevada's congressional delegation has worked very hard to achieve a workable consensus on the Lincoln County Conservation, Recreation, and Development Act of 2004. Every interested party involved in the development of this legislation can point to something objectionable in this measure. Since the bill is a compromise, not everyone will be 100 percent satisfied. Senator Reid, Congressman Gibbons, and I held a town meeting to discuss S. 2532/H.R. 4593 in Panaca on August 27th, 2004. Over 100 Lincoln County residents attended the meeting. Not one resident raised objections to the utility corridor provisions in Title III.

In the end, S. 2532 represents a major step forward for the economic development of Lincoln County, wilderness protection for sensitive lands, and is a prudent planning tool to explore Nevada's future in-state water resource needs.

Thank you, Mr. Chairman and Senator Wyden, for holding this hearing today. I look forward to working with you and your staff to address any concerns you might have.

Senator SMITH. Thank you, Senator Ensign.

As Senator Wyden said, you can do bipartisan legislation. We did it on Steens Mountain, and it worked reasonably well.

Senator ENSIGN. By the way, our family vacations up in Black Butte every year, and I visited the Biscuit Fire, and, you're right it is unbelievable, the moonscape at some of the areas up there, and that is just such an incredibly gorgeous area that I hope that you are able to resolve some of the problems. And especially as an

Oregon State graduate, I really support some of your efforts in doing that.

Senator SMITH. Thank you, Senator Ensign. In fact, I had one of my colleagues in our conference who asked me about the Biscuit Fire, and I told him the interesting feature about it was that it was bigger than his entire State. That's how big it was.

Senator ENSIGN. I was there in Black Butte the day it started. We saw the flames start just—literally just as we were leaving that day. It was a devastating impact. Unbelievable.

Thank you.

Senator SMITH. Thank you for your testimony. We look forward to moving your bill.

Senator Wyden.

**STATEMENT OF HON. RON WYDEN, U.S. SENATOR  
FROM OREGON**

Senator WYDEN. Thank you, Mr. Chairman. And, Mr. Chairman, I thank you and Senator Craig for holding this hearing. And I thank you, Mr. Chairman, for your kind comments about my legislation.

I do want to make some comments about the bill, but I particularly want to welcome Linda Malone, who is the mayor of Sandy. You talk about multitasking, the mayor of Sandy, Linda Malone, brings new meaning to the concept. She works in the Post Office. She's the mother to a couple of wonderful young people, who are proud, who wear the uniform. They serve us in Baghdad. And she is the mayor. And I don't know where you get all the hours in the day, but I'm so pleased you're here, and want to note, for the record, that the Sandy City Council has unanimously endorsed the legislation for a small rural community that historically might have had reservations about a concept like this. I think the fact that they have unanimously been in support of the legislation is an indication that the time for this bill has come.

This is, of course, a momentous year for wilderness in our State. It marks the 40th anniversary of the 1964 Wilderness Act. It has been 20 years since we've had new wilderness in our State. And it's especially appropriate, in my view, that we act now, because we have, of course, this year the bicentennial of the single most important exploratory committee ever launched by the Federal Government, and that was the Lewis and Clark expedition.

Now, I just went out once more to see the areas that I propose in this bill for wilderness under the legislation, and I think, at this point, we feel we have gotten it right. And I want to take just a minute to, sort of, describe the process, because I feel very strongly, and I know Senator Smith does, as well, that you don't just run around in Washington, D.C., and talk about wilderness legislation and act as if it's a foreordained act in the beltway and everybody is supposed to accept it out in the country.

What I did in the case of this legislation, after first putting out a draft bill, is, I held two open public meetings in Portland and in Hood River. We gave a chance for everybody who wanted to, to come and speak at those forums. Since then, I've been meeting with community groups. I met with more than a hundred community groups—local governments, members of our congressional dele-

gation, our governor, the Bush administration. And the final bill tried to incorporate the major concerns that people had that I thought would move us towards being able to pass a bipartisan bill.

For example, it was very clear at the public forums that there was great concern about recreational issues, and particularly various forms of non-wilderness-dependent recreation. So we spent, after a considerable amount of discussion coming up with a Mount Hood pedalers demonstration, or Hood-PBX, which is a 13,000 acre area that would receive similar protection as wilderness, but would not be designated wilderness. It would require a report to the Congress at the end of the 10-year existence of the environmental and economic effects of the project on surrounding areas.

We also create a Mount Hood National Forest Southside Winter Recreation Area that stretches between Timberline Lodge and Government Camp and around Trillium Lake, Summit Meadows and Multpor Mountain.

That was our effort to strike a balance, Senator Smith. He knows I share his concern about the rights of older people. I know of no senior group that is opposed to the legislation. And, in fact, I think the work that we have been able to do with other members of our delegation, in terms of expanding access to Timberline ADA improvements and others to Timberline, will mean more seniors will be coming up there. As a result of what we're doing, in terms of Timberline and these recreational provisions, I think, will mean that we will have more seniors coming to Mount Hood than we have had in the past, with this legislation.

Senator Smith is very right to raise questions with respect to forestry and forest health. We have added, as a result of the input that was given, a forest-thinning program, not in wilderness, that will cover around 62,000 acres over 10 years, that would improve forest health and provide some commercial timber. My sense is—and, again, Senator Smith and I go through this all the time—that this provision probably pleases nobody; it probably doesn't please anybody in any segment of this debate, whether they be environmentalist or timber-industry people and the like, and maybe that's why I think it is a balanced approach. But we can have that discussion, as well.

Third, we have heard concerns about safety from wildfire, and fire-safety buffer zones were added to protect Cascades Locks Government Camp in Rowena. Next, we added a Commission on Urban Forests, because we have heard from groups and individuals that there is more and more interest in dealing with forestry policy as it relates to urban areas.

My understanding is—and I'm going to ask a question of Mr. Rey about this—that they're working on something that sounds quite constructive to me, as well. And I think that there are ways that we can coordinate what we're doing in this piece of legislation with what the administration is talking about.

Finally, I think that Senator Smith, when he said, "Are we protecting Mount Hood for the people or from the people," I think he asked a good question. And the answer is, I think we're trying to do both. I think we're trying to protect Mount Hood for the people. And I think we also know there is a real question about whether we may love it to death, as some folks have said. My hope is that,

in all of the areas that Senator Smith has mentioned, that we can work together. Congressman Walden and Congressman Blumenauer have held a number of forums on this. And I think—as we've been able to do as a delegation so often, that we can come together.

I want to, again, say thank you to you, Senator Smith, because you've made it clear you want to work through all of these various issues, and want to work with me to get this done. I'm anxious to do that with you, as well.

I look forward to our witnesses and, again, thank the mayor for taking time to wear one of her hats this afternoon, of which she juggles all of her responsibilities well. I welcome her today.

Senator SMITH. Thank you, Senator Wyden.

For the information of those attending today's hearing, there are three stacked votes scheduled at 3:45, so we're hoping to get at least, before that break occurs, Secretary Rey and Rebecca Watson, Assistant Secretary of Land and Minerals Management, to get your testimony on the record. So please come forward.

Why don't we start with you, Secretary Rey?

Mr. REY. She actually has her book opened.

Senator SMITH. All right, we'll start with Rebecca Watson, then.

**STATEMENT OF REBECCA W. WATSON, ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Ms. WATSON. Good afternoon. Thank you for inviting me to testify on S. 2532, the Lincoln County Conservation Recreation and Development Act.

I think this bill is a testament to the vision, perseverance and spirit of cooperation of the citizens of Nevada, its delegation, in addressing the Wilderness Study Area logjam in their state. I think Senators Ensign, Reid, and Representative Gibbons are to be commended for their leadership.

This administration is pleased to support the bill with the amendments that we have described in our testimony. This month, America celebrates the 40th anniversary of the Wilderness Act. This milestone provides us the opportunity to reflect on the continuing importance in the 21st century of this uniquely American idea and to recognize the value of wilderness designation as a critical tool to ensure long-term protection of our country's natural landscapes.

This Saturday, I will celebrate the 40th anniversary of the Wilderness Act by joining Nevadans at Sloan Canyon, mentioned by both the Senators this afternoon, outside of Henderson to clean up the area as a citizens stewardship initiative for National Public Lands Day.

Sloan Canyon is an incredible urban area, wilderness area, preserving amazing petroglyphs that were designated in the earlier Clark County Conservation Act of 2002. Fifteen-thousand acres of this natural conservation area are designated wilderness, the North McCullough Wilderness Area. As we look forward to the 21st century, the demographics of the western landscape will continue to change and to challenge our vision of the West. This area, Sloan Canyon, is right next door to Henderson and Las Vegas. And I had

the opportunity to fly over this area before I went down in to the canyon, and the juxtaposition of the most rapidly growing place in the United States of America and this area of petroglyphs and wilderness is amazing. But that's the way the modern West is going.

So I think it is important that we keep in mind that resource development and conservation can and should be complementing goals for Federal lands, as demonstrated by the Clark County Conservation Act.

Similarly, today's S. 2532 exemplifies how Congress can work with local communities, users, developers, and conservationists in legislation to advance the stewardship and management of public lands, and resolve long-running contentious issues.

It's been 25 years since the Bureau of Land Management inventoried public lands for wilderness characteristics. And it's been 11 years since President George W. H. Bush concurred with the Secretary of the Interior's recommendations to Congress regarding the suitability of lands to be designated wilderness. Title 2 of S. 2532 seeks to resolve longstanding issues of wilderness designation by designating nearly 770,000 acres of public land as wilderness and releasing 246,000 acres of public lands from wilderness study-area status.

It was developed with broad-based public involvement. These folks have worked with their neighbors to develop this proposal, and we do hope that what Nevada has done can be a model for other states and regions to take similar actions on their wilderness study areas.

In addition to the wilderness designation, S. 2532 also addresses a number of other public management issues in Lincoln County, Nevada, including the creation of land disposal areas near communities, totaling 87,000 acres, the establishment of utility corridors, the transfer of public lands for State and county parks, and the creation of a 260-mile OHV trail.

In conclusion, Interior supports the purposes of this bill and will continue to work with Congress to address the technical issues raised in our written testimony.

Thank you, and I will be happy to answer any questions.

[The prepared statement of Ms. Watson follows:]

**PREPARED STATEMENT OF REBECCA W. WATSON, ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Thank you for inviting me to testify on S. 2532, the Lincoln County Conservation, Recreation and Development Act. This bill is a testament to the hard work and perseverance of the Nevada Congressional delegation and their constituents. We wish to acknowledge Senators Ensign and Reid along with Congressman Gibbons and the rest of the delegation, for their work to resolve the Wilderness Study Area (WSA) logjam in Nevada and address a number of other lands related issues. The Department of the Interior supports the purposes of this legislation and, with amendments, would support S. 2532.

Lincoln County, Nevada, covers over 10,000 square miles, and with a population of 4,200, Lincoln County is the epitome of the wide open spaces which for centuries has fueled the imagination of what the West was and is. Nearly 98% of Lincoln County is owned by the Federal Government (over 80% is BLM-managed) which is why public land policies are so important to the people of Lincoln County.

**TITLE I—LAND DISPOSALS**

Title I of S. 2532 provides for the potential disposal of close to 100,000 acres of public lands out of BLM management and into private ownership through two dif-

ferent mechanisms. We support this general proposal, but we are opposed to certain specific provisions. Section 103 of S. 2532 provides that 50% of the proceeds would go into a special account available to the Secretary and that 45% would be directed to the county for economic development purposes, while 5% would be directed to the state's education funds. The Administration opposes this distribution, believing that, at a minimum, 85% of the proceeds derived from sales should be retained by the Federal government. We note that the BLM will incur considerable administrative costs to prepare for these lands sales in Lincoln County.

The Lincoln County Land Act (LCLA) directed the BLM to offer for sale approximately 13,500 acres of land in southeastern Lincoln County. The law further directed that 85% of the proceeds from those sales be dedicated to a special account available to the Secretary for a range of uses primarily in Lincoln County including processing lands actions, developing habitat conservation plans, protecting and managing archaeological resources, and the acquisition of environmentally-sensitive land in Nevada outside of Clark County. In addition, 5% of the proceeds are dedicated to the general education fund of the State of Nevada and 10% to Lincoln County for its budgetary needs.

In October of 2001, the BLM offered for sale three parcels of land totaling 6,478 acres under LCLA area. Since that time, the sale of lands has halted by litigation and a planned sale for this August has been postponed because of continuing legal action. Most recently, the Federal District Court on March 22, 2004, determined that the BLM was obliged to complete an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA).

S. 2532 directs the BLM to sell the same lands within 75 days of enactment. Seventy-five days is not a sufficient length of time in which to do the environmental work necessary under NEPA and other necessary environmental clearances. Congress should specify its intent regarding NEPA and the other environmental work associated with these transfers.

The bill designates eight separate disposal areas around or near the towns of Hiko, Ash Springs, Rachel, Alamo, Carp, Crestline, Caliente, Panaca, and Pioche. Similar to the Southern Nevada Public Lands Management Act (SNPLMA), the BLM would work cooperatively with local communities to determine the selection and timing for offering the 87,000 acres for competitive sale within the disposal boundaries.

The BLM would comply with the National Environmental Policy Act (NEPA) and could exempt up to 10,000 acres from the disposal boundaries if it determines that the lands were most appropriate to stay in Federal ownership to protect wildlife habitat or cultural resources. Most of the lands within the disposal boundaries have been identified by the BLM for disposal through our land use planning process or are expected to be identified for disposal in upcoming land use plan revisions. We therefore do not object to the creation of these disposal areas.

Finally, we have a number of technical amendments to recommend to Title I. For example, section 102(f) requires direct sale through competitive bidding in all cases, while there may be isolated cases under which a modified competitive sale or a direct sale could be more appropriate. Likewise, section 102(h)(1) requires the BLM to "convey" lands when we believe the intention is to "offer for sale" lands. We look forward to the opportunity to submit amendments and work with the sponsors and the Committee on these and other technical matters.

## TITLE II—WILDERNESS

The BLM currently manages 989,273 acres of Wilderness Study Areas (WSA) in Lincoln County. Title II seeks to bring resolution to the WSA issue in Lincoln County by designating nearly 770,000 acres of public land as wilderness and releasing nearly 246,000 acres of public lands from WSA status. (All of the existing WSAs in Lincoln County are addressed and resolved in this legislation with the exception of Mt. Grafton and South Egans Range both of which extend across the border into White Pine County.) Senators Ensign and Reid and the entire delegation have worked with communities to reach agreement on these designations. We hope that this cooperative approach can be a model for other states and regions to take similar actions. Congress has the sole authority to designate lands to be managed as wilderness and the Nevada Congressional delegation has shown on more than one occasion that sometimes controversial issues can be resolved in a collaborative bipartisan fashion. We strongly support this cooperative approach.

The bill would release 245,516 acres of BLM-managed lands in Lincoln County from WSA status and interim protection of their wilderness values under section 603(c) of the Federal Land Policy and Management Act (FLPMA). The entire 36,000 acre Table Mountain WSA, the Evergreen A, B, and C, as well as portions of 14

other WSAs are included in this release. Release will return these lands to non-wilderness multiple use.

The lands identified in the bill for designation are noted for their unspoiled Great Basin mountains, deep rugged canyons, high deserts, forested ranges, geologic treasures, and abundance of biological diversity. Cold winters and warm summers characterize this area whose wildness cannot be overstated. Each of the 14 wilderness areas designated by this bill has unique features and fascinating stories.

In the southernmost part of the county are the three high desert proposed wilderness areas the Delamar Mountains, Meadow Valley Range, and the Mormon Mountains. True Mohave Desert, these three are characterized by big canyon washes, high limestone peaks, and dramatic geologic features. Colorful cliffs and dramatic crags are home to bighorn sheep, raptors, and recreationists seeking a remote and wild experience.

“Canyon Country” best describes the Clover Mountains and Tunnel Springs. Narrow twisting canyons formed by rushing water over colorful volcanic rocks define these areas. Rare perennial high desert streams dot the area. Outstanding photographic opportunities exist through these areas. Tunnel Spring straddles the Utah/Nevada border but the legislation only addresses the Nevada portion.

The western half of Lincoln County is home to six of the bill’s proposed wilderness areas covering a wide range of elevations, but characterized throughout by mountainous terrain. High mountain peaks, to 9,800 feet in the Far South Egans, typify these areas that straddle the Mohave Desert in the lower elevations to the Great Basin in the higher elevations. These mountainous areas include South Pahroc Range, Worthington Mountains, Weepah Springs, Far South Egans, Mt. Irish, and Big Rocks. Although the latter two are not BLM WSAs and were not studied by the BLM for suitability as wilderness, a preliminary review suggests that there are no significant encumbrances which would impair their wilderness characteristics.

For those areas in the bill not identified as WSAs, and for the areas in the bill that were determined by the BLM to be non-suitable for wilderness, we note that Congress has plenary authority over the disposition of public lands. If Congress ultimately approves the bill, we do not see any additional management impediments to their inclusion.

The northern part of the county contains the densely-forested areas of Fortification Range, Parsnip Peak, and White Rock Range. Typical Great Basin areas, they include high meadows, pinyon-juniper forests, and dense aspen and fir stands. Wildlife abounds, ranging from mule deer and antelope to mountain lions and raptors.

The BLM supports the efforts of the Nevada delegation to arrive at boundaries through consensus and compromise. We would like the opportunity to work with the sponsors and the Committee on technical issues including minor boundary adjustments, cherry stem road realignments, and map clarifications.

### TITLE III—UTILITY CORRIDORS AND RIGHTS-OF-WAY

Section 301 of S. 2532 establishes two half-mile wide utility corridors in Lincoln County for the benefit of the Southern Nevada Water Authority and the Lincoln County Water District (256 miles and 192 miles long respectively). The bill establishes corridors and the Secretary is to subsequently grant use of the corridors to these entities following compliance with NEPA. We support the idea of expediting that establishment of the utility corridors to facilitate development and to minimize disruption of the resources. We have some concerns with specific provisions in this section and look forward to submitting amendments and working with the Committee to address these concerns and to ensure that the intent of the legislation is fulfilled.

The proposed utility corridors are specifically delineated on the June 14, 2004, Lincoln County Map. We are concerned that a rigid adherence to a specific line may not be in the best interest of the protection of cultural resources, habitat, and other resource uses. Rather we would prefer that the lines on the maps be guidelines and that the BLM establish the actual utility corridors through a public process which would allow both the BLM’s expertise and the public’s interest to be considered.

Additionally, we believe that designating the utility corridors for a specific entity’s use may not be in the public interest. Rather, we would prefer that the utility corridors simply be identified. In this way, any entity wishing to use them could apply for a right-of-way through the BLM’s regular process. We are also particularly concerned that the bill language seems to suggest that in addition to being issued in perpetuity and rent-free, the rights-of-way would be completed by the BLM without cost-recovery for the NEPA and other necessary environmental work. Typically, the Federal government is reimbursed by commercial enterprises seeking rights-of-way for the cost of completing related NEPA and environmental work. In the case of the

extensive rights-of-way proposed in this bill, we anticipate the cost of completing the work required by NEPA would be well in excess of \$1 million. We would like to work with the Committee on amendments that provide clarification.

Finally, there are a number of technical issues that need to be addressed in this section. For example, we would like to clarify that the utility corridors would only be established on public lands, not on private lands. Also, in several places the half-mile wide corridor runs directly through areas which are established for disposal in Title I. Section 301 withdraws the lands within the corridor from disposal, thus negating the provisions in Title I. We would like the opportunity to work on amendments with the sponsors and the Committee on this and other, more technical issues. In addition, we note that the U.S. Geological Survey is directed by this title to conduct a study on water-related issues in White Pine County. The Department supports a study that would evaluate the regional significance of groundwater development in both White Pine and Lincoln Counties.

The second part of this title proposes to relocate a utility corridor in southern Lincoln and northern Clark counties. The lands on which the existing right-of-way corridor is located were patented by the BLM to the Aerojet General Corporation in 1988. Aerojet General has since reconveyed those lands to a third party. The original transfer was subject to a Federal reservation for the utility corridor. The value of those lands encumbered by the utility corridor's Federal reservation (approximately 10,000 acres out of a total 50,000 acres) was reduced by approximately \$9.50 per acre due to the Federal reservation. We believe that the Federal government should be fairly compensated for the removal of the Federal reservation, based on the 1988 value reduction of the lands transferred to Aerojet General adjusted to an appropriate index. In addition, there are a number of technical issues we would like to address in this section through amendments to the bill for clarity.

#### TITLE IV—SILVER STATE OHV TRAIL

Title IV would establish a 260-mile off-highway vehicle (OHV) trail throughout Lincoln County on existing BLM roads and trails. We believe this trail can be a significant draw for tourism in Lincoln County as well as allowing the residents of Lincoln County yet another way to experience and enjoy their public lands. We encourage the sponsors and the Committee to consider giving the BLM additional flexibility to modify the trail's path if resource conditions require it. In addition, we recommend that the timing of the management plan be extended from 2 to 3 years to insure full public involvement and comment. Otherwise, we support this title.

#### TITLE V—PARK CONVEYANCES

Under this title, S. 2532 proposes to transfer nearly 5,000 acres of BLM-managed lands to the State for inclusion in the state park system and over 14,000 acres to the county for similar purposes. As a matter of policy, the BLM looks for opportunities to work cooperatively with local communities on local recreational needs. Through the Recreation and Public Purposes Act (R&PP) the BLM regularly transfers lands to state and local governments for a variety of parks, recreation and other purposes. In the case of recreational uses, such as state and county parks, the BLM can transfer those lands without charge.

We would prefer to use the R&PP Act in these cases. However, if the delegation desires to expedite the process, we would request some flexibility in the provisions of this title. Specifically, while the three additions to existing state parks appear reasonable and may be completed easily, we are less certain of some of the county park transfers. Some of the lands specifically identified for transfer do not have recreational values that we are aware of and, in fact, some of the identified lands include possible hazardous materials from abandoned mine sites. If the language of the bill were modified to authorize the transfer of a range of acres to both the State and the county with the agreement that the BLM and local government work cooperatively to achieve these transfers, we believe that all parties would be better served. In addition, there are technical issues we would like to address in this title including map references and the reversionary clauses.

#### TITLE VI—JURISDICTION TRANSFER

Under the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282) nearly 50,000 acres of BLM-managed lands were transferred to the Fish & Wildlife Service (FWS) on the eastern edge of the Desert National Wildlife Range. Title VI proposes to transfer back to the BLM approximately 8,382 acres of land including some of those lands transferred in 2000. In return 8,503 acres of BLM-managed land north of the Desert Wildlife Range will be

transferred to the FWS. This would add a Joshua Tree forest that would connect two existing refuges.

This transfer of lands is proposed to provide an approximately 1/2 mile wide area to the west of State Highway 93 for a utility corridor and rights-of-way. This will accommodate the relocation of the utility corridor as provided in Title III of this bill. We have no objection to this provision as it allows the BLM to ensure a corridor for future utility needs in the fast growing Las Vegas area.

#### CONCLUSION

S. 2532 is a complex and wide-ranging piece of legislation. The Department of the Interior supports the purposes of this legislation. We commend the delegation on its hard work. We look forward to working with the Nevada delegation and the Committee on the changes we have recommended so that we can fully support S. 2532.

Senator SMITH. Thank you very much. I have no questions for you.

Senator Wyden, do you have any?

Senator WYDEN. No.

Senator SMITH. What we will do, if you don't mind, we will leave the record open if any of our Nevada colleagues have questions that they could submit to you in writing.

Thank you.

Secretary Rey.

#### **STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE**

Mr. REY. Thank you. And thank you for the opportunity to appear before you today in order to provide the Department's views on S. 2709 and S. 2723. I will summarize my prepared statement on both measures.

S. 2709 authorizes an increase in the annual transfers to the Reforestation Trust Fund from \$30 million per year to \$90 million per year. While we support the objectives of S. 2709 to emphasize prompt reforestation in areas affected by fires and other disturbance events, we cannot support the bill, because we generally do not support expanded spending through a mandatory account within the Treasury. Rather, we believe that post-fire restoration efforts similar to fire suppression in burned-area emergency rehabilitation are prudently budgeted for through discretionary funds, subject to annual review by the Congress during the appropriations process.

S. 2723 would direct numerous aspects of management of the Mount Hood National Forest in Northeast Oregon. While we agree with some of the concepts and provisions embodied in S. 2723, we also have some concerns with several aspects of the legislation. Because the bill covers a wide variety of topics, I will try to address brief comments to each title individually.

With respect to title 1, USDA could support some additional designation of wilderness within the Mount Hood National Forest. I will submit, for the hearing record, a map that depicts somewhat in excess of 40,000 acres of wilderness that the Department would support. We're concerned, however, about the effects of the proposed legislation described in title 1 and depicted in the July 2004 map that would have on the overall management of many programs of both the Mount Hood National Forest and the Columbia Gorge National Scenic Area.

I think our concerns are three in number, and elaborated on for each of the proposed wilderness additions.

First, the areas proposed as wilderness would limit the existing array of developed and dispersed recreation activities, as well as create difficulties in meeting total recreation demand.

Second, we're concerned that the wilderness character of much of the proposed wilderness, as depicted on the map, would be significantly and negatively impacted by existing rights and structures.

And, third, the small shape and size of some of the proposed wilderness additions would be impacted by adjacent activities, which would limit the free play of natural processes expected to occur in wilderness, as well as the opportunities for solitude or primitive and unconfined recreation, the hallmark of the wilderness experience.

With regard to title 2, it would amend the Wild and Scenic Rivers Act by adding portions of the Hood River, the Zig Zag River, Eagle Creek and Fifteenmile Creek, and the Department is generally not opposed to most of these additions, and we deal with each individually in our prepared statement.

Title 3 would establish a National Commission on Urban Forests. In 1993, the Forest Service established the Urban National Forest Coalition and, further, the National Urban and Community Forestry Advisory Council has been established in previous legislation and appointed by the Secretary of Agriculture. The Department believes that either of these two existing entities could effectively perform the responsibilities enumerated in this title without the creation of a third body.

Title 4 would require the Secretary to identify a Mount Hood National Forest Southside Winter Recreation Area. The Department is not opposed to that area.

Title 5 would establish the Mount Hood Pedaler's Demonstration Experiment Area. We believe that there is adequate opportunity within the Mount Hood National Forest for mountain biking at the present time.

Title 6 would authorize the Secretary to provide funds to counties to bury power lines within our adjacent-to-wilderness areas on the Mount Hood National Forest. Maintenance of both buried and overhead power lines require vehicle access, occasionally access by heavy construction equipment, which would be inconsistent with wilderness values.

Title 7 proposes a land exchange between Clackamas County, Oregon, and the Federal Government. We do not object to the exchange, but would like the opportunity to work with the committee on amendments to clarify a number of issues raised by the exchange.

Title 8 would require a prescriptive forest-health thinning program for plantation second-growth stands to produce timber for primary and secondary wood products and restore biological diversity and structural complexity to young managed stands for a period of 10 years. Thinning treatments under this title could occur only in plantation second-growth stands, as defined by the bill, but previous harvests removed more than 90 percent of the overstory of the original stand and that are more than five acres in size. The Mount Hood National Forest has a number of young natural stands

that have arisen following wildfire where no harvesting occurred following the burn, but they have since reestablished forests. Similarly, we have areas where young stands in need of treatment have been established with less than 90 percent of the overstory removed by the initial harvest operation, particularly where trees were left to meet wildlife objectives for snag retention. Each of these categories of young stands would be excluded from treatment under this section.

The title also imposes a new definition of "old growth" that appears to be inconsistent with the existing biological definitions for late successional forests common to the Mount Hood National Forest and elsewhere in the region. The proposed definition focuses solely on age, ignoring other important ecological attributes of old growth, such as canopy layers, presence of snags and presence of coarse, woody debris. The proposed legislation would further classify any stand not previously managed as old growth regardless of age. The proposed legislation would prohibit treatment of these areas to protect old growth, regardless of whether old growth values were present.

For example, I have a picture of a stand on the Clackamas Ranger District of 80-year-old trees that encompasses about a thousand acres that resulted from a burn. Under the definition, perhaps in an unintentional fashion, this would be considered old growth, because the stand has never been previously managed. And, as you can see by the picture, those are relatively small trees, not very large and not very old.

That concludes my prepared statement. I would be happy to answer any questions the Committee has.

[The prepared statement of Mr. Rey follows:]

PREPARED STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman: Thank you for the opportunity to appear before you today in order to provide the Department's views on S. 2709, the "National Forest Restoration Act of 2004" and S. 2723, the "Lewis and Clark Mt. Hood Wilderness Act".

S. 2709, THE "NATIONAL REFORESTATION ACT OF 2004"

S. 2709 authorizes an increase in the annual transfers to the Reforestation Trust Fund from \$30 million per year to \$90 million per year. The bill also authorizes these funds be used in areas in need of reforestation that have been moderately or highly affected by fire or severely affected by a non-fire natural disturbance event, and establishes timeframes for completing reforestation treatments following these events. Finally, S. 2709 authorizes the Secretary to obligate up to 10 percent of the annual expenditures from the Fund to enter into cooperative agreements with colleges and universities to conduct research to promote or enhance reforestation.

While USDA supports the objective of S. 2709 to emphasize prompt reforestation in areas affected by fires and other disturbance events, we can not support the bill because we generally do not support expanded spending through a mandatory account within the Treasury. Rather, we believe that post-fire restoration efforts, similar to fire suppression and burned area emergency rehabilitation, are prudently budgeted for through discretionary funds subject to annual review by the Congress during the appropriations process. We are also concerned the bill would limit our flexibility to utilize the Reforestation Trust Fund for the same types of reforestation activities currently authorized.

USDA also does not support language in Section 5 which allows the Secretary to obligate up to 10 % of the sums expended from the Reforestation Trust Fund to enter into cooperative agreements with colleges and universities to conduct research to promote or enhance reforestation because it is overly restrictive. We believe that Federal and private research organizations also have significant capacity to conduct

this type of research. These organizations, when partnering with colleges and universities, can jointly contribute to increases in effectiveness and efficiency of reforestation efforts. The Forest Service Research and Development branch funded over \$31 million for cooperative research with colleges and universities in Fiscal Year 2003. We would like to work with the Committee to built and expand upon this base to include a variety of partners with research expertise.

S. 2723, THE "LEWIS AND CLARK MT. HOOD WILDERNESS ACT"

S. 2723 would direct numerous aspects of management of the Mt. Hood National Forest in northwest Oregon. The bill's provisions include designations of wilderness areas, wild and scenic rivers, and other special areas, and specific directions to carry out a thinning program to promote forest health. The bill also would establish a national commission and direct a land exchange involving the Bureau of Land Management.

While we agree with some of the concepts and provision embodied in S. 2723, we also have concerns with some aspects of the legislation. Because this bill covers a variety of topics, I will address my comments to each title individually.

Title I would designate additions to four existing wilderness areas, Mount Hood, Mark O. Hatfield, Badger Creek and Salmon-Huckleberry, as components of the National Wilderness Preservation System that would be known as the Lewis and Clark Mt. Hood Wilderness Areas. USDA can support some designation of additional Wilderness within the Mt. Hood National Forest. We are concerned, however, about the effects the proposed legislation described in Title I, as depicted in the July 2004 map, would have on the overall management of many of the programs on both the Mt. Hood NF and the CRGNSA.

We also would need to clarify whether the bill would require the CRGNSA Act to be amended. The CRGNSA is co-managed by the Forest Service and the Columbia River Gorge Commission. After a 3-year effort and over 60 public meetings, the CRGNSA Management Plan has been revised, and it appears to us that this legislation, without clarification, could cause us to reopen that plan for public review and comment.

Let me speak to some of our overall concerns with the proposed legislation, then point out some specifics about each proposed wilderness addition.

First, the areas proposed as wilderness would limit the existing array of developed and dispersed recreation activities as well as create difficulties in meeting total recreation demand by forcing displacement of non-wilderness users to fewer acres of non-wilderness land.

Second, we are concerned that the wilderness character of much of the proposed wilderness as depicted on the map would be significantly and negatively impacted by existing rights and structures. These areas are close to I-84 and Highways 35 and 26, which are heavily used for both developed and dispersed recreation activities, including campgrounds, ski areas, and snowmobile areas. Additionally, there are existing rights that must be protected in the proposed wilderness, including access to private lands, water rights, power lines, an electronic site, tribal rights, and grazing allotments.

Third, the small size and shapes of some of the proposed wilderness additions would be impacted by adjacent activities which would limit the free play of natural processes expected to occur in wilderness. The opportunities for solitude or primitive and unconfined recreation, a hallmark of the wilderness experience, would be diminished. Unlike most existing wilderness, much of the wilderness proposed in this legislation would be entirely dominated by impacts from external, adjacent activities.

Now I will address briefly each of the proposed wilderness additions.

MARK O. HATFIELD WILDERNESS ADDITIONS

The northern boundary of the proposed additions to the Mark O. Hatfield Wilderness is very close to the Historic Columbia River Highway and appears to barely skirt adjacent power lines and developments at Multnomah Falls, Wahkeena Falls, Oneonta Gorge, and Horsetail Falls. Nonconforming structures in the proposed addition include the Multnomah Falls observation platform and Sherrard View Point. Recreation and others uses would be affected: several miles of designated mountain bike trails would be closed; directional signs would be removed; existing paved and surfaced trails would have to be restored to native surfacing. The area would continue to be heavily used and allocation systems would be considered to meet wilderness standards. The proposed project to restore the unique pine-oak ecosystem and reduce hazardous fuels within the McCall Point addition and stream habitat enhancement projects in Herman Creek would be inconsistent with meeting wilderness purposes and would not occur if these lands were designated.

#### MOUNT HOOD WILDERNESS ADDITIONS

There are a number of activities inconsistent with wilderness purposes that take place in the proposed Mt. Hood wilderness additions. The Tilly Jane addition would affect motorized winter access to the Cloud Cap Inn historic site and appears to include a number of nonconforming structures. Vegetative and other management needed to protect these historic structures would be discontinued, as well as, existing use by large organized groups. The addition would foreclose the opportunity to expand ski areas by including approximately 4,000 acres of land currently designated for winter recreation in the Mt. Hood Land Management Plan as new wilderness, including 1,200 acres in the Cooper Spur Ski area. Wilderness designation would conflict with motorized use which is needed to access the powerline that serves the Mt. Hood Meadows Ski area and to existing and proposed fish habitat restoration projects adjacent to the Zigzag River.

#### SALMON-HUCKLEBERRY WILDERNESS ADDITIONS

The proposed Mirror Lake addition contains nonconforming structures such as bridges and staircases, which provides for user safety on the most popular trail on the Mt. Hood National Forest. Other proposed additions to the Salmon-Huckleberry Wilderness include parking for recreation residences and a water tank supporting a community water system. The proposed Roaring River addition includes a power line for the Three Lynx hydroelectric project.

Existing recreation activities that would be precluded are mountain biking, snowmobiling, and four-wheel driving. An existing developed campground appears to be included in the proposal and would need to be removed. Fire lookouts would not be available for public rental. Existing recreation at areas such as Mirror Lake and Twin Lakes commonly includes groups larger than the 12 person group size limit in existing wilderness on the Mt. Hood National Forest. The existing high level of use may require a use allocation system to meet wilderness standards. The permitted commercial mountain bike operations would be terminated. Present vegetative management for huckleberry enhancement as per agreement with the Confederated Tribes of Warm Springs would be precluded in wilderness.

#### BADGER CREEK WILDERNESS ADDITIONS

The proposed Eightmile Meadow and Mill Creek additions are part of the City of Dalles municipal watershed. The proposed Lower White River Addition includes a grazing allotment, and the proposed Bonney Butte addition includes a permitted hawk banding station that attracts large groups to watch migrating hawks.

The Department believes these existing rights and uses are needed to support a wide array of resource protections as well as valued and important goods and services to the public. We do not support the changes that would be required if these areas were to be designated Wilderness. We have identified areas that USDA considers suitable for consideration as wilderness designation. We would like to work with the Committee, the delegation and the people who use these forests on amendments that reflect more appropriate boundaries for wilderness designations.

Title I also would require the Forest Service to construct defensible fuel safety zones between the wilderness boundary and two adjacent communities. Community Wildfire Protection Plans are underway for several communities adjacent to Mt. Hood and CRGNSA and we would like to work within the framework of these plans to incorporate the bills directions and communities to help implement these plan decisions.

Title II would amend the Wild and Scenic Rivers Act by adding portions of the Hood River, the Zig Zag River, Eagle Creek and Fifteenmile Creek. The Department is generally not opposed to most of these additions. We want to point out that the Middle Fork of the Hood River, the Zig Zag River and Eagle Creek were identified in the Forest plan as eligible for Wild and Scenic River designation, but suitability was never determined.

Fifteenmile Creek was not evaluated for Wild and Scenic River designation in the Forest Plan. Habitat restoration work conducted along about four miles of this stream is likely to effect a designation as a wild segment of a Wild and Scenic River, but the river could be eligible and suitable for designation as either a scenic or recreation river depending on the results of an evaluation.

Mr. Chairman, if the Committee desires we would offer to complete additional screening for these recommended stream sections and provide a final report of the results back to the Committee prior to enactment.

We do not support inclusion of the East Fork of the Hood River which was evaluated for Wild and Scenic River suitability in the Mt. Hood Land and Resource Man-

agement Plan, as amended by the Northwest Forest Plan. It was found not suitable due to issues related to Mt. Hood Meadows Ski Area, particularly regarding road maintenance (plowing, sanding, de-icing) and operation of the ski area's sewage treatment plant.

Title III would establish a National Commission on Urban Forests. In 1993, the Forest Service established the Urban National Forest Coalition (UNFC), a working group composed of Forest Supervisors of urban national forests, as well as Forest Service Research and Development, and State and Private Forestry. The coalition has the ability to outreach among universities and communities to identify and work to resolve common issues affecting the management of urban National Forests.

Furthermore, the National Urban and Community Forestry Advisory Council is composed of 15 members appointed by the Secretary of Agriculture. The primary function of the Council has been to make recommendations to the Secretary regarding cost-share grants for urban and community forestry projects. But, the Council is also charged under Section 9(g) of the Cooperative Forestry Assistance Act to make recommendations to the Secretary and to the Congress for improving the status of the Nation's urban and community forests. The Department believes that these two existing entities could effectively perform the responsibilities enumerated in this title and does not support the establishment a third national organization as called for in the bill.

Title IV would require the Secretary to identify a Mt. Hood National Forest Southside Winter Recreation Area. USDA is not opposed to specially designated recreation areas on the Mt. Hood NF. Management Area A11 of the Forest plan is already designated as Winter Recreation Area. We would like to work with the Committee on amendments to assure the area defined in Title IV is compatible with current and planned uses including mechanized and motorized access.

Title V would establish the Mt. Hood Pedaler's Demonstration Experiment Area that, while not designated as wilderness, would be managed in accordance with the Wilderness Act, with the exception that mountain bikes would be allowed to operate on designated trails within the area. The Department does not support of the establishment of the Mountain Biking Pilot Project. We believe there are other alternatives to better meet mountain biking needs for the forest and would like to work with the Committee on amendments that would address this issue. Moreover, we oppose the funding mechanism proposed for this area. For example, our experience with the Recreation Fee Demonstration program has shown that public support is directly associated with the reinvestment of fees where they are collected and not shifted to other areas.

Title VI would authorize the Secretary to provide funds to counties to bury power lines within or adjacent to wilderness areas on the Mt. Hood NF. It is unclear what power lines are intended here, but cost, technology and environmental impacts may prohibit this type of activity. Regardless, maintenance of both buried and overhead power lines requires vehicle access, occasionally access by heavy construction equipment. While we agree with the sponsor that power lines may be visually inconsistent with wilderness, preserving wilderness character and attributes would also be difficult with the access and motorized equipment use necessary for maintenance of buried lines. We would like to work with the Committee on amendments to resolve this issue.

Title VI also would authorize funds for counties to replace 4 culverts on wild and scenic river segments. We are concerned by the apparent waiver of Section 7(a) of the Wild and Scenic Rivers Act for the replacement of culverts in Section 602 and 603 of this title as well as Section 902 in Title IX. Limiting the ability of the Forest Service to evaluate a culvert or bridge as a water resources project may limit the protection intended in the Wild and Scenic Rivers Act. We would like to clarify this with the Committee.

Title VII of S. 2723 proposes a land exchange between Clackamas County, Oregon and the Federal government. It is our understanding that the intent is to complete this exchange with the Bureau of Land Management (BLM). The BLM would like the opportunity to work with the sponsor and the Committee on amendments to clarify a number of issues related to this proposed exchange. First, the legislation needs to specify which acres of Federal land and Clackamas County lands are intended for the exchange. If the lands intended for this proposed exchange are BLM "O&C" lands, under the Oregon and California Revested Lands Sustained Yield Management Act (Public Law 75-405) this could complicate any proposed exchange and we urge the sponsor to consider these implications. Furthermore, it is important that the lands involved in any exchange be of equal value and be subject to the Uniform Appraisal Standards for Federal Land Acquisition. Finally, the BLM would like the opportunity to develop a map to accurately portray this proposed exchange.

Title VIII would require a highly prescriptive forest health thinning program for plantation second growth stands to produce timber for primary and secondary wood products, and restore biological diversity and structural complexity to young managed stands for a period of ten years. The bill would define "old growth" as groves and trees that are at least 120 years old or previously unmanaged. This bill would mandate targets for pre-commercial thinning and commercial Westside matrix thinning. Additionally, the bill would prescribe forest treatments for Eastside thinning.

USDA supports active forest management, where appropriate, under standards and guidelines established in the Mt. Hood Forest plan as amended by the Northwest Forest Plan, subject to available appropriations. Our existing statutes, including the Healthy Forest Restoration Act recently enacted with the leadership of this committee, provide us adequate authority to provide treatment where it is needed, and the Department is strongly opposed to the provisions contained in Title VIII.

Thinning treatments under section 801 could occur only in plantation second growth stands, as defined by the bill, where previous harvest removed more than 90 percent of the overstory of the original stand and that are more than 5 acres in size. The Mount Hood National Forest has young natural stands that have arisen following wildfire, where no harvesting occurred following the burn, but forested stands have since been established in these areas. Similarly, the Forest has areas where young stands in need of treatment have been established where less than 90 percent of the overstory was removed by the harvest operation, particularly where trees were left to meet wildlife objectives for snag retention, as well as small areas less than 5 acres in size that would benefit from a thinning treatment. Each of these categories of young stands would be excluded from treatment under this section.

Section 801(b) of S. 2723 imposes a new definition of old growth that appears to be inconsistent with existing biological definitions for the late successional forests common to the Mt. Hood National Forest and elsewhere in the bioregion. The proposed definition focuses solely on age, ignoring other important ecological attributes of old-growth such as canopy layers, presence of snags, and presence of coarse woody debris.

The proposed legislation would classify any stand not previously managed as "old growth" regardless of age. The proposed legislation would prohibit treatment of these areas under the auspices of protecting 'old growth,' regardless of whether old-growth values were present. For example, on the Clackamas River District, 80-year old stands encompassing about 1,000 acres that resulted from a burn (not a timber sale) would be considered old-growth under the legislation because they have not been previously managed.

Section 801(c) would establish new criteria for selecting contractors, giving preference to local contractors. The Department supports job creation in the communities surrounding Mt. Hood. This language would appear to limit competition, and narrow opportunities, in the existing small business community, which includes minority and women-owned businesses, but which lies beyond the state. In the case of timber sale contracts, "local" sale purchasers are very limited due to the mill closures which occurred in the past decade. Bidders now come from all over Oregon and Washington and purchase logs that may go to 3 or 4 different mills for processing. The Department believes language submitted in Section 313 of the President's FY 2005 Budget provides a better approach, and ensures a suitable balance between local preference and appropriate open and fair competition.

Section 802 requires the Mount Hood National Forest to complete 5,000 acres of pre-commercial thinning annually for the next decade. Section 803 requires thinning 1,200 acres in lands defined as "matrix" under the Northwest Forest Plan. We believe forest managers should retain the flexibility to set priorities to accomplish Forest plan objectives in an annual program of work and, therefore, do not support the statutory establishment of these activities.

Section 804 provides for thinning areas on the Eastside of the Mt. Hood National Forest to move stands into 'the natural range of variability'. It prohibits the removal of all large and old trees, but does not specify the criteria for determining trees that would qualify as either 'large' or 'old'. Such restrictions may make it impossible, under this section, to remove larger or older trees that are infected with diseases, such as root rots or heavy mistletoe infestations, and thus preclude the overriding objective of improving forest health. Furthermore, requirements for the retention of all size classes would conflict with objectives of the Healthy Forest Restoration Act. Title IX contains several miscellaneous sections, three of which (901, 903, 904) cover previous existing rights. We suggest again that compromised wilderness character could be avoided by changing the wilderness boundaries to exclude ongoing uses.

Section 905 would authorize the retention of certain fees collected on the Mt. Hood NF. USDA supports revenue retention for special use fees agency-wide, but not on a forest by forest basis.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions from you or the rest of the Committee members.

Senator SMITH. Secretary Rey, the way I understood your comment on the reforestation bill, you support the statutory language, but not the budgetary approach.

Mr. REY. That is correct.

Senator SMITH. Before we go to further questions, Congressman Gibbons has joined us, and, as a courtesy to him, I think we should hear him, and then we'll go back.

Welcome, Congressman.

**STATEMENT OF HON. JAMES A. GIBBONS, U.S.  
REPRESENTATIVE FROM NEVADA**

Mr. GIBBONS. Thank you very much.

Senator SMITH. Your colleagues have preceded you, and spoke glowingly of this legislation.

Mr. GIBBONS. Senator Smith, I will try to keep my comments short, and I do appreciate your understanding of the schedule we all have to meet here in this body. And I want to, again, thank you for holding this important hearing on the Lincoln County Conservation, Recreation, and Development Act.

And let me also add my thanks to Senator Reid and Senator Ensign for their leadership in the Senate on this important piece of legislation. I'm sure that those Senators have said everything that needs to be said about this piece of legislation, but it hasn't been said by all of us. And I want to add my two cents, just to make sure that we have covered all of our bases.

I do want to say that this bill has been cosponsored and supported by the entire Nevada delegation. The title clearly spells out what S. 2532 is, for conservation, recreation, and development.

And, first, regarding conservation, the amount of wilderness proposed by this legislation is 100,000 acres, greater than the State of Rhode Island. Second, in addition to the extensive conservation efforts, this bill will provide recreational opportunities through the designation of an off-highway vehicle trail, the creation of county parks, and the expansion of three State parks. And, third, the development measures include the lands for disposal and the creation of utility corridors, all reasonable and necessary for planning and growth in Lincoln County.

Mr. Chairman, Lincoln County is over 98 percent managed, regulated, and controlled by the Federal Government. Imagine funding all the county needs in a county the size of many States, with the needs of hospitals, schools, and roads and emergency medical services, police, fire, and libraries, with only 2 percent of the geographic area as a taxable base. While some will argue that the amount of land this bill proposes to privatize is excessive, in fact it will only increase the private-land percentage from 2 percent to less than 3 percent, a very modest increase, even in my opinion.

Another challenge facing Lincoln County is a significant amount of land designated as wilderness study areas. There are 16 wilderness study areas within Lincoln County boundaries. This legisla-

tion will resolve 14 of those areas in a move to end the 20-year era of BLM management of these areas as de facto wilderness.

Finally, I can confidently say that the creation of the bill is the product of a public process, and all interested parties had the opportunity to express their opinion. I firmly believe that this bill establishes good policy. And I say this not because I am 100 percent in agreement with every individual provision. In fact, if you were looking at this bill, there are a lot of people who dislike it. If you are someone who wants a lot more wilderness area, you're going to dislike this bill. If you're someone who wants far less wilderness area, you're going to dislike this bill. But I say this because every individual provision in this legislation is part of a larger effort to develop, in the spirit of compromise, a good, sound land policy for this country.

So I urge the Senate to move forward on this important piece of legislation. And, Senators, I thank you for your time and your indulgence, and I would be happy to answer any questions from my standpoint.

Senator SMITH. Congressman, I have one question. Did I understand you correctly that you were actually releasing wilderness study areas to create a wilderness?

Mr. GIBBONS. We are creating 100,000 more acres of wilderness area. In other words, recommended by the BLM.

Senator SMITH. Are you releasing study area?

Mr. GIBBONS. We're releasing some of the wilderness study areas that didn't qualify, that had been identified years ago as wilderness study areas, but did not make the qualification standards required for wilderness areas.

Senator SMITH. I tried to do that on some of the Steen's thing in exchange for some other areas to become wilderness, that didn't become wilderness, in exchange for getting of study areas that would never—are going to become study, and there was tremendous opposition to that.

Mr. GIBBONS. There always is.

Senator SMITH. Have you found that the national environmental groups are opposed to this?

Mr. GIBBONS. Yes.

Senator SMITH. Their position hasn't changed, then.

Mr. GIBBONS. No, their position has not changed. This is a collaborative effort between the local county officials, State officials, Federal officials, local environmental organizations, who know and understand and have walked the area. It was a tremendous piece of work between all interested parties. And, yes, everyone isn't happy with this bill, but then probably no bill would make everybody happy.

Senator SMITH. Thank you very much, Congressman.

Senator Wyden, do you have a question?

Senator WYDEN. No, thank you.

Senator SMITH. Thank you.

Secretary Rey, as to the Mount Hood Wilderness bill, as I understand it, there are approximately 40,000 acres in this proposal that are classified as matrix under the Clinton Northwest Forest Plan. If this legislation becomes law, does the Forest Service have suffi-

cient authority to redesignate matrix in areas elsewhere in the region to meet the harvest goals of the Northwest Forest Plan?

Mr. REY. We have the authority to do that. We would have to go through a plan revision process, which, in turn, would have to be subject to consultation with the Fish and Wildlife Service so that they could evaluate the effect on any threatened or endangered species. So it would be a lengthy process. It is not something we would do, or could do, in probably anything short of 2 or 3 years.

Senator SMITH. You mentioned in your testimony the wilderness designation could affect large parties who wanted to use the wilderness, such as Boy Scouts, who may want to go to Mirror Lake or something like that. How would you anticipate managing such a thing? Would it be done on a raffle system?

Mr. REY. If we found that we needed to limit—well, first of all, if the areas that are currently used for recreation purposes that are not allowed in wilderness are designated as wilderness, we would have to limit the use completely for those areas—mountain-biking, for instance, and other more developed forms of recreation. Then once we've limited the recreation use that is not appropriate to wilderness, the next question would be, Are we still getting too much wilderness use for the carrying capacity of the land? And there are places where we do limit use to keep numbers down to maintain a wilderness experience. But most of the concerns that we've expressed in areas where there are existing other recreation uses are not necessarily the amount of use, but the appropriateness of the type of use in an area that would now be designated as wilderness.

Senator SMITH. Can you describe the difference between motorized recreation that would, I believe, be disallowed in a wilderness designation, versus what you have now in the OHV management policy?

Mr. REY. What we're trying to do with off-highway-vehicle management policy is to develop areas where OHV use can be done without diminishing resource values. Those are all non-wilderness areas. There are no wilderness areas where we allow off-highway-vehicle use to occur. The restriction for use in wilderness areas is any mechanized use. It doesn't have to be motorized, but mechanized is the restriction.

Senator SMITH. So there are off-highway-vehicle uses, but not motorized in wilderness, currently?

Mr. REY. No. There are no mechanized uses in wilderness, currently.

Senator SMITH. I was very encouraged to hear the Forest Service is supportive of additional wilderness area, where Senator Wyden is proposing—probably not as much as he's proposed, but a good portion of it. How much a percentage are you saying you support of his proposal?

Mr. REY. I think the proposal is about 186,000 acres, or thereabouts, and we've identified somewhat in excess of 40,000 acres that we believe meets the definition of wilderness use and could be added to the wilderness areas under Mount Hood, on the Mount Hood.

Senator SMITH. Most of the areas in the bill's proposal are currently inventoried roadless areas. If Congress does not act on this

legislation, can you describe the process that would determine how those areas are to be managed?

Mr. REY. I think about 93,000, or just about half of the area that is proposed for wilderness, is inventoried roadless area. If new legislation is not enacted, those areas would be managed in accordance with the Mount Hood Forest Plan, as amended by either the Northwest Forest Plan or the Columbia Gorge National Scenic Area Plan. Most of them would probably remain roadless.

Senator SMITH. When I asked you about the reforestation bill, you didn't like the budgetary approach, but you liked the statutory language. Do you like it because it helps you defend reforestation projects in court? Why would the Forest Department like it?

Mr. REY. Well, I don't think it speaks to the issue of court action. I think what we embrace is a shared concern over the increasing size of the reforestation backlog, and we're willing to look at a variety of options to address it, as long as we can find some that are consistent with the President's budget.

Senator SMITH. The concern I have about your reticence to use new funds created by this bill to cooperate with land-grant colleges of forestry on post-fire rehabilitation would be that, with no financial assistance from the Forest Service—a group of forestry scientists from Oregon State University wrote a document regarding the risks of delay and of doing nothing after the Biscuit Fire. One of those scientists, Professor Mike Newton, is a witness today. And can you describe the role that the Forest Service played in the analysis of the Biscuit Fire Rehabilitation Project?

Mr. REY. We looked at the report by the university, or Oregon State University, and that included some alternatives in the Biscuit fire-recovery proposal that were modeled after some of the recommendations that we made—or that they made, I'm sorry.

Senator SMITH. The Forest Service is currently held up in court over the Biscuit Fire Rehabilitation Project, one of the largest reforestation efforts in modern memory. In terms of reforestation, how is this project different from the reforestation of the Tillamook Burns of the 1930's and 1940's?

Mr. REY. In terms of what we are proposing to do, I don't know that it is dramatically different. What we had in our Biscuit Fire Recovery Proposal is an integrated proposal that involves a significant amount of reforestation in areas where we think reforestation is going to benefit ecological values. I guess the difference is that, depending on the court action, we may not get to implement the proposal, unlike the Tillamook Burn, which was fully recovered as a consequence of the efforts that were undertaken at that time.

Senator SMITH. The Tillamook Burn today is a pretty vibrant forest, and very healthy. You hate to see the Biscuit not have that same kind of benefit, that same kind of effort.

Anyway, thank you.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

I was following Mr. Rey's comments on the size of—the amount of wilderness in my legislation. It reminded me a little bit of Dustin Hoffman, in Tootsie, that wonderful line where he says, "I can be tall or I can be short," because you just indicated that you thought the legislation that I wrote had too much wilderness, but,

at the top of page 3 of your testimony, it says that areas in my wilderness legislation are too small and that opportunities for solitude or primitive and unconfined recreation, a hallmark of the wilderness experience, would be diminished. So hopefully we can sort that out, and I won't spend time belaboring that.

What I would like to do is see if we can correct some of the misconceptions about how wilderness is managed, and get your answers to a few questions to clear up some of the misconceptions.

First is, there is a common belief that a wilderness designation means there is no possibility for active management to curtail the possibility of wildfires or disease outbreaks. Now, the way I read section 2324(1), Management of Insects and Disease, that's not correct, in that the Forest Service can set prescribed fires and conduct other forms of hazardous-fuels-reduction, disease-reduction projects in wilderness areas. Is that correct?

Mr. REY. That's the section of your bill?

Senator WYDEN. No, what I want to do is correct the misconception. The misconception right now is, there's no possibility for active management to curtail wildfires or disease outbreaks under current law in a wilderness area. And I just read you the section of the rules that indicate otherwise, that the Forest Service can set prescribed fires and conduct other forms of hazardous fuels reduction projects.

Mr. REY. Okay. I don't think that's our misconception.

Senator WYDEN. I'm just talking about the wilderness conception. I want to make sure we understand exactly what you can do in wilderness areas. The first thing Senator Smith and I hear whenever anything comes up is, "Oh, my goodness, if you have a wilderness area, there's no way you can manage it to curtail the possibility of wildfire or disease outbreak." I just read you the rule that says otherwise.

Mr. REY. That is correct.

Senator WYDEN. The second misconception involves whether mechanized equipment can be used to fight fires in wilderness areas. Again, 2326 indicates that, yes, you can use mechanized equipment to fight fires in wilderness areas.

Mr. REY. That is also not a misconception. That is correct.

Senator WYDEN. The third misconception—not yours, but one that I heard continually—is one that involves whether mechanized equipment is available to do search and rescue in wilderness areas. Our understanding—again, from 2326—is, yes, you can use mechanized equipment for search and rescue. Is that correct?

Mr. REY. That is also correct.

Senator WYDEN. It's a common misunderstanding that the only areas suitable for wilderness are those that are pristine, never touched by man. But the Forest Service regulations clearly state that the word "untrammeled" in the Wilderness Act refers to areas where the natural ecosystem is not disturbed by man's intrusion. Isn't it correct that structures, fences, campgrounds, and the like have been grandfathered into many existing wilderness areas?

Mr. REY. That is correct. And if we were to designate some of the areas with those sorts of facilities in this bill, if you wanted to retain them, we would grandfather them in this bill, as well.

Senator WYDEN. Now, there's concern by the administration and others that a wilderness area in the gorge would be inconsistent with the Gorge Act and might lead to the gorge being out of compliance with the EPA relative to the Clean Air Act. What is, in your judgment with respect to this situation as it relates to the bill, as drafted? If you would like to get back to us in writing on that, that will be fine.

Mr. REY. I think that is one where we have some material in our testimony. I have not heard a concern relative to EPA, but we do lay out where we think there would be potentially some conflicts with the Columbia Gorge Scenic Area Act, and we can elaborate on that for the record.

I think our biggest concern here is that the gorge is an area with a substantial amount of recreation use, and unless some of those uses are grandfathered in this bill, we would have to back into the Columbia Gorge legislation and reevaluate how we manage recreation use in the gorge.

Senator WYDEN. Now, I understood from your testimony that you have questions about whether the thinning program is necessary. Would you like me to remove the thinning provisions that I put in, from my legislation?

Mr. REY. No, I don't think removal is necessary. There are some changes we would like to see, but I think we can work through those changes.

Senator WYDEN. Okay. Now, the bill creates a local contracting preference so as to try to keep jobs associated with the area in Clackamas and Hood River Counties. Do you feel that you can support that local-contracting preference with respect to Mount Hood work, the contracts on Mount Hood?

Mr. REY. I think our concern is that the language, as it is drafted, may be too restrictive in narrowing opportunities, and that we have language submitted in section 313 of the President's fiscal year 2005 budget which we think provides a better balance between local preference and appropriate and fair and open competition.

The big question when you deal with local preference is always, Is there enough local capacity to do the kind of work that needs to be done? And if there's not, and you write the local-preference requirements too strictly, you, sort of, diminish the opportunity to get the work done.

Senator WYDEN. Well, we will work with you on that. I can just tell you—Senator Smith knows—there is just a ton of economic hurt out there. Our State unemployment went up again last week 7.4 percent. The areas that I tried to target in this legislation with the local-contracting preference—Clackamas and Hood River—have a lot of folks out of work. But your comment, with respect to flexibility is a reasonable one.

And I know we have got a vote on, Mr. Chairman, and you let me know how you want to juggle this.

I just want to say to Mr. Rey and the administration, we're anxious to work with you. We're going to work with all the stakeholders. As I say, what I've tried to do since the original legislation is to incorporate all of the concerns we heard from the folks in the

area. But none of this is the last word, and we're anxious to work cooperatively with you and get it done.

I thank you, Mr. Chairman.

Senator SMITH. Senator Wyden, what I would propose is, we go vote. They're going to strictly adhere to these times. There's probably 5 minutes left on the current vote, so we'll go do that, and then the others are 2, 10 minutes apart. And so roughly a half an hour, 40 minutes, we can be back and take up the second panel.

Do you have any further questions of this panel?

Senator WYDEN. No.

Senator SMITH. Ms. Watson, there's two questions that Senator Craig was to have me ask, we'll submit those to you in writing.

Thank you both for being part of our first panel.

[Recess.]

Senator SMITH. Ladies and gentlemen, we'll reconvene this Senate hearing.

Senator Wyden has suggested we start, and we want everyone to have the opportunity to say your piece on these bills.

And so, with that, we will turn to our second panel—we'll start with Mr. Mike Newton, professor emeritus, Forest Service, Oregon State University; and then Mr. Jason Spadaro, president of SDS Lumber; Ms. Linda Malone, mayor, City of Sandy—nice to have you here, Linda; Mr. Chris DiStefano, International Mountain Bikers Association, Lake Oswego, Oregon; and Mr. Jay Ward, conservation director, Oregon Natural Resources Council, Portland, Oregon.

So, Professor Newton, thank you for being here. We will hear from you first.

**STATEMENT OF MICHAEL NEWTON, PROFESSOR EMERITUS,  
DEPARTMENT OF FOREST SCIENCE, OREGON STATE UNIVERSITY**

Mr. NEWTON. Thank you. Good afternoon, Mr. Chairman, members of the Committee.

My name is Michael Newton. I have been engaged as a full-time leader of reforestation, vegetation, watershed, and habitat management research for 45 years at Oregon State University. This work includes studies on fire-prone forest in southwestern Oregon since 1962, since 1962. I was a member of the OSU team that wrote the Biscuit report and related publications. Copies of these reports are submitted for your consideration, Mr. Chairman.

I also draw from experience with the Tillamook Burn, the rehabilitation of which was paid for by a bond issue voted on by the people of Oregon, as well as by the salvage of dead trees. Sixty percent of the Tillamook, now a State forest, is being proposed as a wilderness area, thanks to rehabilitation work. The Biscuit and other recent fires are on much harsher sites than the Tillamook. They risk becoming chronic brush fields as a result of inadequate action, too late, with inadequate technology.

My testimony dwells briefly on three major issues on S. 2709, which addresses them all, and I support the bill strongly. The photos I've brought will help illustrate my points.

The first one I would like to put up on the easel here is a composite. I'm bragging a little bit here a little bit; I took this picture

of the Tillamook Burn myself in 1957, and it was 6 years after the last fire, and that's the way it looked with no planting. Tillamook does not have nearly as much of a brush problem as the Biscuit Fire, so there it shows not very much brush.

The upper-right quadrant showing the Biscuit Fire is a half-million acres, more or less, that was pretty much completely denuded, and the entire understory on much of that is occupied by sprouting brush right now. Weeds are moving in very rapidly.

In the lower-left quadrant, you see 10-year-old view of the whole mountain burn, which you saw a little bit earlier, but I've added a little information. The private land that is so nicely reforested represents a cost of \$400 an acre, and the Federal land has a cost of \$1,200 an acre to get to a not-nearly-as-far-advanced condition toward mature forest.

Senator SMITH. That assumes if you proceeded to do this now, it would cost that much more, versus \$400 an acre?

Mr. NEWTON. If you had to pursue a successful large reforestation program with the tools the Forest Service has, it would cost you \$1,200.

Senator SMITH. Today?

Mr. NEWTON. Today.

And the lower right is a view of 37-year-old plantation that I planted on just average ground. This gives you an illustration of how close or how fast latent successional development occurs. Immediate rehabilitation is, in fact, at the core of all of these successes.

The first point I want to make is that funding is needed to provide staff and other infrastructure for large restoration projects and to support the underlying research.

A second point I want to make is that reducing the time, land, and associated costs, associated with commencement of restoration work will critically—is critical, and that capacity does not exist today.

Third is that research to provide state-of-the-art rehab technology and evaluation of its impacts when applied over large areas is fundamental to both success and getting approval of these major rehab programs.

To elaborate on the funding, the draft of S. 2709 proposes to invest up to 10 percent of the restoration budget in research. I suggest that wording specify an average of 10 percent for level funding for programs and adaptive research, and outreach in both Federal research installations and at universities in a cooperative venture. I suggest that some of these funds be used to establish centers of excellence in forest restoration capable of conducting research adapted to large-scale, and evaluating its impacts on habitats and watersheds.

A second major item for funding that is essential is, on Federal-land administration, in particular, large-scale restoration work requires special training and expertise in ecology and management of the forest and each subregion's climate and forest conditions. Local experience, expertise, seed supplies, and propagation facilities need to be kept current. That is expensive.

Avoidance of delay in launching restoration efforts is crucial. You've made that point, Mr. Chairman, and I certainly underscore

that. Delays attributable to administrative rules and court action limit expedient Federal action when speed is of the essence.

I propose wording that broadens the use of emergency exemptions or related procedures to facilitate onset of work quickly; moreover, that following a major deforestation event, a draft plan for restoration actions be required within three months, with no more than one month additional available for review and appeals.

I propose maintenance of current exigency plans in case of fire in fire-prone districts so that their plan's ready to roll in case a fire takes off, and also provision for availability of all legal tools used by state and private organizations, which are so effectively working on rehab programs on their own lands.

Senator SMITH. Professor, can I ask you a question? I want to be fair. And I will ask the ONRC representative, Mr. Ward, the same. Maybe I'm missing something. What is the environmental value that is served by doing nothing and letting this just turn into brush? And will it eventually come back into forest? And if so, how long does it take?

Mr. NEWTON. Well, thank you for asking that question. Rehabilitation and restoration of the species that will become a mature forest is something everybody is in favor of. If the goal is maintenance of habitat for late successional wildlife species, you can get there much more quickly on purpose than you can by accident. And deliberate regeneration and restoration of that forest will save anywhere from decades to centuries in reaching that goal. So I think that's probably the key issue. And on Matrix lands, of course, the revenue from timber and salvage will pay for that.

Senator SMITH. It's not an exaggeration to say a hundred years, then, to get back to where you could be, to even begin to get to where, for example, the Tillamook Burn has been for some time?

Mr. NEWTON. I would say on a Biscuit-like area, yes, a hundred years. It is not going to look like the Tillamook does at age 50, a hundred years from now.

Senator SMITH. That is what I've always understood, and that's why I've never really understood the virulence of the opposition to trying to manage the land.

Mr. NEWTON. Yes.

Well, my final point is on research programs—they are needed—that provide methodology for restorations of large areas with variable levels of damage toward a mature forest condition. We don't use aerial seeding now, because we don't have the underlying technology, but it was successfully used in the Tillamook.

The Federal agencies do not have the weed-control tools that State and private people have. The impacts of their use on a large scale needs study, and the outcomes of those studies need to be available to public and private owners.

The impacts of restoration work on watersheds and on wildlife habitat need to be done, and nobody is now doing that kind of work on the scale that is needed to deal with these catastrophic fires.

And a final point is that I think we need to make clear where salvage of dead timber is appropriate or not appropriate to the management goals for a range of forest conditions.

Mr. Chairman, I will not elaborate further on details at this point, but I do invite questions, at your discretion.

[The prepared statement of Mr. Newton follows:]

PREPARED STATEMENT OF MICHAEL NEWTON, PROFESSOR EMERITUS, DEPARTMENT OF FOREST SCIENCE, OREGON STATE UNIVERSITY

Good afternoon, Mr. Chairman, and members of the subcommittee, my name is Michael Newton. I have been engaged full time in research on reforestation, ecology and management of forest vegetation, watersheds and habitat for 45 years at Oregon State University. This research has been concentrated in the Pacific Northwest, but includes studies in the Southeast, New England, Alaska and California; I have been conducting research on fire-prone lands in southwest Oregon since 1962. I have published about 275 technical and scientific papers on these subjects over the years. I appreciate the chance to share a few thoughts with you. Where management plan direction calls for forest to be the predominant vegetative cover on lands transformed by intense fires, my work makes clear that reforestation cannot be accomplished at reasonable cost unless it is done promptly. And the new seedlings must be adequately protected from weed competition, animal damage, and excessive drought and heat. Problem avoidance is the key to success. This means promptness of action.

Research over the past 23 years has developed practical methods that quadruple the growth rates of conifers when established immediately after severe events. Immediate reforestation is more reliable than delayed planting or reliance on natural regeneration, especially where tree seed sources are destroyed as in intense fires. Aerial seeding, abandoned for years on private land, is still the only approach possible with huge expanses of burned-over land, but it also requires immediate action. It may be done at a fraction of the cost of planting seedlings, and succeed in inaccessible areas. Where planting is possible, seedlings protected from competing cover reach maturity far more quickly than those not protected. Use of safe, common weed killers is much more effective and safer to humans than manual methods of weed control, and can be accomplished on a large scale at a fourth of the cost. Prompt reforestation and seedling protection restores mature-forest habitat more quickly and, where wood production is a management goal, produces harvestable timber sooner to meet America's demand for housing. Tree size and habitat goals may be reached fifty to a hundred years or more before forests initiated by untended natural regeneration.

Our federal agencies are now unable to pursue a number of these principles because of appeals and litigation, resulting in costly delays and ineffective investments when work is finally undertaken. My environmental research suggests that such delays do not enhance environmental values or provide safety to humans, wildlife or watersheds, and they may cause harm by requiring extensive remedial actions.

This bill has a laudable purpose, and its wording provides for a positive influence on federal forest lands that presently suffer from lack of reforestation and maintenance activity. It is therefore worthy of support, and I believe that it can solve some currently serious problems. Several thoughts are offered to make this bill even more effective:

Removal of some fire-killed trees often called salvage logging—weed control, use of prescribed fire, and control of unwanted fires are crucial practices in obtaining and sustaining forest regeneration. These practices are frequently appealed, then challenged in court with two results: management costs are driven much higher than warranted and years of delay in time-sensitive actions kill the effectiveness of reforestation efforts. The Forest Service and BLM have invested some \$40 million in cooperative research programs (FIR and COPE) to enhance management, and are unable to use much of the information now because of obstacles to prudent management created by groups unwilling to let federal managers follow the directions in their management plans. Freedom from appeal or litigation is essential for timely action in virtually all reforestation following intense fires. I suggest wording that exempts such time-dependent emergency measures from judicial review.

Federal agencies need the same freedom as all other forest managers to use all management tools, such as fire, weed killers, salvage logging, planting seedlings and aerial seeding combined with rodent control where legal within the states where action is needed.

Federal agencies would benefit from a rule that requires the completion of an operating plan for reforestation no more than three months after a severe event with no more than a month for technical review. This would support the purpose of timely salvage and establishment of reforestation in the year following such disturbance before sites are occupied by competing vegetation as is commonly practiced on private, state and tribal lands.

Federal agencies would benefit from a requirement to maintain silviculture and reforestation staff, and seedling production infrastructure, capable of responding to a reforestation challenge with current scientific approaches. Where the draft bill proposes to invest up to 10% of its budget in cooperative research and outreach programs with colleges and universities, I suggest that wording be amended to specify investment of an average of ten percent of this allocation in adaptive research and outreach programs, and that a portion of this be used to support an eastern and a western center of excellence within forestry colleges with established leadership in this field. This would provide continuity and focus for continual learning to meet needs for information and technologies to deal with rehabilitation. I envision such programs as joint ventures with federal research agencies. Their information products would be suitable for public and private use in meeting land management objectives. Adaptive research and outreach programs, coupled with clear legislative direction to enable and expedite timely responses following severe disturbance events, will greatly increase the efficiency and effectiveness in achieving rehabilitation goals on the enormous scale faced by the agencies.

Senator SMITH. Thank you very much, professor. Your testimony is very enlightening and appreciated.

Jason, nice to see you, and the mike is now yours.

**STATEMENT OF JASON SPADARO, PRESIDENT, SDS LUMBER CO., BINGEN, WA**

Mr. SPADARO. Mr. Chairman, thank you.

My name is Jason Spadaro. I'm president of SDS Lumber Company. We are an independent forest-products company in Bingen, Washington, in the Columbia Gorge, in the shadow of Mount Hood. Our operations include managing 60,000 acres of timberland on a sustainable-yield basis, as well as lumber, plywood, chip facilities, and a biomass energy plant. SDS Lumber has 316 employees, 69 of which are residents of Hood River County, where the proposed wilderness is located.

My background includes a bachelor of science degree in forest management, and I have over 15 years experience in managing our company's timberlands.

The following comments on the Lewis and Clark Mount Hood Wilderness are on behalf of my company and the American Forest Resource Council. They can be summarized in three key areas. First is fiber supply and economic impacts. A second health is forest health and wildfire risks. And a third is the appropriateness of these lands for wilderness designation.

I have more specific comments in written testimony submitted for the record.

The first point, fiber supply and economics. As we all know, low interest rates and housing activity has propelled the U.S. economy for the last 2 years. The U.S. Census Bureau recently announced a seasonally adjusted annual rate of 1.65 million housing starts for the year. As a result, the demand for lumber, plywood, and other wood-based products is at historic levels. The supply of this fiber is in a period of historic high demand that's currently being satisfied by private lands and foreign production. A dependable supply of wood fiber from our Nation's public forests would not only generate revenue to the Treasury and encourage domestic investment in processing, but it would also lessen our Nation's dependency on foreign production.

The designation of Federal lands under S. 2723 as wilderness is taking us in the wrong direction, as it would permanently remove nearly 180,000 acres of public forestland from consideration for

timber harvest. Our Nation's demand for wood-based building products would remain unchanged, however. The real effect would be to increase our Nation's dependency on foreign production of wood-based building products and essentially export family-wage jobs in the forest-products industry to foreign lands. Additionally, this will increase demand for timber harvested in regions of the globe with substandard environmental protections.

The Mount Hood National Forest consists of 1.1 million acres of some of the most productive forest conditions in the world. Under the Northwest Forest Plan crafted by the Clinton administration, the Mount Hood is allowed to harvest and sell approximately 60 million board-feet, but only a fraction of that has actually been sold.

I should also add that SDS Lumber Company historically has depended upon the Mount Hood National Forest and the Gifford Pinchot as part of our timber supply. And currently, public-sourced, Federally-owned public timber represents less than 1 percent of our annual fiber needs.

Harvest of the 60 million board-feet allowable is to occur on 183,000 acres of Matrix lands that represent 16 percent of the total land base. The wilderness designation proposed would remove 22 percent of these Matrix land designations and further reduce the allowable sale quantity.

From the forest-products industry's perspective, we can afford no further loss of Matrix lands from harvest consideration.

To the second point, forest health and wildfire risks. The lack of forest management on the part of the Forest Service has allowed many parts of our national forests in the West to become overstocked and unhealthy. In the past 5 years, nearly 26 million acres of Federal lands have burned, costing taxpayers nearly 5.8 billion in fire-suppression costs.

A recent fire east of Hood River, the Panorama Fire, on August 2, 2004, could easily have exploded into a scenic and environmental catastrophe if not for the rapid response of local fire districts and the Oregon Department of Forestry. Unfortunately, many of the tools that were used to fight this fire would not be available in wilderness. Wilderness designations, as you know, precludes the use of mechanical devices when fighting fire, and let-burn policies apply to many wilderness areas. As a result, wilderness fires have a higher potential to be severe and catastrophic in nature. For this reason alone, wilderness designations should be used very cautiously.

The proposed Mount Hood Lewis and Clark Wilderness includes lands in the foothills of Mount Hood, near or adjacent to existing communities, and lands in the Columbia River Gorge with significant wind patterns and known fire risks associated with the railroad and highways. Designating these areas as wilderness in light of their risks could be viewed as irresponsible.

S. 2723 suggests water quality and scenic vistas will be assured to communities as a result of wilderness designation. In reality, forest disturbance is a constant and a natural part of the forest ecosystem. In absence of forest-management techniques that mimic natural disturbance, such as selective or even-age harvest, nature will take its course and renew the forest. It is not a question of "if"

wilderness burn; rather, it's a question of "when" wilderness will burn. The eventual occurrence of wildfire should be of concern to communities that depend upon these watersheds and of particular concern to Congress in a national scenic area, that we take due diligence to protect wildfire.

S. 2723 attempts to provide some measure of protection for specific communities in Cascade Locks and Government Camp by allowing fire-safe community zones. In reality, forest fires occur at a landscape level often without regard for the well-intended defensible spaces. Communities may feel more secure with a defensible perimeter, but unless the fundamental risks are addressed across the entire landscape, they are unlikely to provide measurable benefit.

Designation of nearly 180,000 acres of new wilderness appears contrary to the intentions of Congress and the President in reducing the risk of wildfire with passage of the Healthy Forest Restoration Act.

To the third point, inappropriate use of wilderness designation. S. 2723 proposes to extend wilderness designation to a type and character of land never before associated with wilderness. Existing improvements such as a Columbia River Historic Highway are not consistent with the wilderness experience. To designate these lands would create a lower standard for the definition of wilderness that was not envisioned in the Wilderness Act, in my opinion.

The precedent erodes the basic definition of wilderness, and all the special exceptions would create inconsistency and public confusion as to allowable uses between one wilderness and another.

In summary, I thank the committee for the opportunity to comment. It should be obvious from my concerns that I share with you a great personal interest in forest management and the responsible stewardship of our Nation's resources. Unfortunately for colleagues of mine in the forestry profession, the management of our public resources has become increasingly politicized, and our national forests continue to be caught in this tug of war between preservation and utilization. While we debate, our forests become increasingly unhealthy and vulnerable to fire due to lack of sound forest management. I strongly believe the answer is found in the multiple-use philosophy of the greatest good for the greatest number. Proposals that permanently exclude forest management through designation as wilderness are not in the public interest. There is an appropriate place for wilderness, and myself and staff members of AFRC look forward to working with Senator Wyden and others to identify opportunities for wilderness that make economic—make sense economically and ecologically.

Thank you.

[The prepared statement of Mr. Spadaro follows:]

PREPARED STATEMENT OF JASON SPADARO, PRESIDENT, SDS LUMBER CO.,  
BINGEN, WA

My name is Jason Spadaro, I am President of SDS Lumber Company, an independent forest products company located in Bingen, Washington in the Columbia River Gorge and in the shadow of Mount Hood. The integrated operations of SDS Lumber Company include both forestlands and production facilities for lumber, veneer, plywood, pulp chips and biomass energy. SDS Lumber Company is the largest employer in the area with 316 employees—69 of these employees are residents of Hood River County, Oregon where much of the proposed wilderness is located.

The following comments on the Lewis and Clark Mount Hood Wilderness Act of 2004 (S. 2723) are on behalf of my company and the American Forest Resource Council (AFRC). The AFRC represents nearly 80 forest product businesses and forest landowners in twelve states. Its mission is to create a favorable operating environment for the forest products industry, ensure a reliable timber supply from public and private lands, and promote sustainable management of forests by improving federal laws, regulations, policies and decisions that determine or influence the management of all lands.

#### 1. FIBER SUPPLY AND ECONOMIC IMPACTS

SDS Lumber Company owns approximately 60,000 acres of forestland in the Columbia River Gorge. These SDS forestlands are managed under a sustainable yield philosophy and provide approximately 25% of the annual wood fiber needed for our manufacturing operations. The remaining 75% of our annual needs were historically sourced from the Gifford Pinchot National Forest and the Mount Hood National Forest. Currently we receive less than 1% of our annual fiber needs from National Forest lands due to the absence of any significant federal timber sales program on either of these forests. Instead, SDS relies on private land, Hood River County and State of Washington timber sales programs for its fiber supply.

Consistent fiber supply continues to be a very important issue for the forest products industry of the Pacific Northwest. As recent as 10 years ago, the Mount Hood National Forest was an important fiber supply to at least eight operating forest products manufacturers. Today, the number of mills operating in this same area is reduced to four, but the importance of a stable timber supply from the Mount Hood National Forest has not diminished. In the absence of federal timber sales programs, over the past decade the forest products industry has come to rely heavily on private lands in Oregon and Washington for its necessary wood fiber. Never before has the demand for wood fiber been focused so heavily on the private sector of forestland ownership in the United States.

Low interest rates and resulting strong housing activity has propelled the U.S. economy away from recession over the past two years. On August 17, 2004 the U.S. Census Bureau announced single-family housing starts at a seasonally adjusted annual rate of 1.65 million units. As a result, domestic demand for lumber, panel and wood products is at historic levels. The supply of wood fiber for wood based building products in this period of historic demand is currently being satisfied by private lands and foreign production. A dependable supply of wood fiber from our nation's public forest lands would not only encourage domestic investment in processing facilities, reversing the trend of mill closures and job losses, but also lessen our nation's dependency on foreign production of wood based building materials.

The designation of federal lands under S. 2723 as wilderness will permanently remove 177,800 acres of public forest lands from consideration for timber harvest, further reducing the potential of our nation's public forest lands to contribute to domestic demand for wood based building products. However, our nation's demand for wood-based building products will remain unchanged. The real effect of S. 2723 will be to increase our nation's dependency on foreign production of wood-based building products and essentially export family wage jobs in the forest products industry to foreign lands. Additionally, this increase in demand for foreign production will increase demand for timber harvested in areas of the globe with substandard environmental protections, potentially contributing to global environmental degradation.

The Mount Hood National Forest consists of 1.1 million acres of some of the most prolific forest growth conditions in the world. The 2002 Monitoring Report of the Mount Hood National Forest reports annual forest growth to exceed annual harvest by a factor of 13 to 1 and annual forest mortality to exceed annual harvest by a factor of 8 to 1. Under the Northwest Forest Plan crafted by the Clinton Administration, the Mount Hood National Forest is allowed to harvest and sell approximately 60 million board feet of wood fiber per year but only a fraction of this has actually occurred. This harvest is limited to about 183,000 acres, or 16% of the total land base, designated "Matrix" land where timber harvest is permissible. The proposed Wilderness designations would remove 22% of this Matrix land designation and further reduce the allowable quantity of wood fiber for sale to approximately 50 million board feet per year. From the forest products industry perspective, we can afford no further loss of Matrix lands or lands available for harvest consideration.

The proposed Lewis and Clark Mount Hood Wilderness will result in a permanent prohibition on active forest management over 177,800 acres, including 41,000 acres nearly one-quarter of the Matrix lands. Wilderness designations that preclude active management do not serve the public interest. If we desire the multiple benefits that our forests are capable of providing in wildlife habitat, water quality, scenic beauty

and economic benefit, we must open the door to actively managing our forests to achieve these outcomes not lock the door. S. 2723 will discourage necessary investment in domestic processing of wood-based building products, weaken the Northwest forest products industry and national economy, eliminate family wage jobs in the forest products sector, increase our dependency on foreign production of building materials and encourage environmentally damaging timber harvests in other regions of the globe.

## 2. FOREST HEALTH & WILDFIRE RISKS

Approximately 10,000 acres of SDS Lumber Company's forestlands are located in Hood River and Wasco Counties, some in close proximity to the federal lands proposed for federal wilderness designation under S. 2723. As previously stated, we manage our timberlands under a sustainable yield intensive forestry philosophy. As a direct result of our active management, SDS forestlands carry a greater volume per acre of standing timber today than has existed over the past 60 years. Our intensive forest management tools include reforestation, even aged harvest, selective harvest, road construction, controlled burning, insect control and fire hazard reduction. As further testimony to the effectiveness of active forest management, the largest wildfire to ever occur on SDS Lumber Company lands in our 58 year history was the 2002 Sheldon Ridge fire near Mosier, Oregon occurring as a result of lightning. The Sheldon Ridge fire burned a total of 11,000 acres but only roughly 300 acres of SDS forests burned due to aggressive fire suppression efforts and the healthy condition of our forests. All of our burned timber was salvaged and delivered for processing within the 12 months following the fire, contributing approximately \$3 million in value to our economy in lumber, plywood, paper products and energy.

In stark contrast, a lack of forest management on the part of the U.S. Forest Service has allowed many parts of our national forests in the west, particularly those in eastern Oregon and Washington, to become overstocked, unhealthy, ravaged by disease and insects and at high risk of catastrophic wildfire. In the past five years, nearly 26 million acres of Federal lands have burned throughout the western United States, costing taxpayers nearly 5.8 billion dollars in fire suppression costs. In Oregon alone, we have lost all or parts of the Mill Creek Wilderness, Canyons, Strawberry Mountain, Monument Rock, Glacier Rock, North Fork John Day, Kalmiopsis-Rogue-Siskiyou Wilderness, and a host of others.

A recent fire east of Hood River (Panorama fire, August 2, 2004) in the Columbia River Gorge could easily have exploded into a scenic and environmental catastrophe if not for the rapid response of local fire districts and the Oregon Department of Forestry. Helicopters, fire retardant bombers, bulldozers, water tank vehicles and firefighters saved countless trees from being reduced to ashes. Unfortunately, these tools are not available for use when fire occurs in wilderness. Wilderness designation precludes the use of mechanical devices when fighting fire and "let burn" policies apply to most wildernesses. As a result, wilderness fires have a higher potential to be severe and catastrophically devastating. For this reason alone, wilderness designations should be approached cautiously. The proposed Mount Hood Lewis and Clark Wilderness haphazardly includes lands in the foothills of Mount Hood nearby or adjacent to existing communities, lands in the Columbia River Gorge subject to significant wind patterns and near known fire hazards such as the Union-Pacific Railroad and Interstate 84, and lands in the eastern reaches of the Mount Hood National Forest with documented forest health problems and high fire risks (fire condition class 3 according to the U.S. Forest Service). Designating these areas as wilderness would be nothing short of irresponsible.

S. 2723 suggests that water quality and scenic vistas will be assured to communities as a result of wilderness designation. In reality, forest disturbance is a constant and a natural part of the forest ecosystem. In the absence of forest management techniques that mimic natural disturbance, such as selective or even aged timber harvests that create forest openings and regeneration, nature will take its course and renew the forests in its manner. It is not a question of if wilderness will burn, instead it is a question of when wilderness will burn. With the eventual occurrence of wildfire in wilderness and the likelihood of those fires being more severe, the impacts to water quality and scenery are more likely to be devastating. This is of particular concern to the vast portions of the Columbia River Gorge proposed for wilderness designation in an area that was designated by Congress in 1986 as a National Scenic Area (Public Law 99-663, Nov. 17, 1986).

S. 2723 attempts to provide some measure of protection for two specific communities that would be located adjacent to proposed wilderness (Cascade Locks and Government Camp) through the creation of "Fire Safe Community Zones". Shaded

fuel breaks, thinning, individual tree selection and vegetation management are listed as employable techniques. In reality, forest fires occur at a landscape level, meaning that fire moves across entire landscapes from one fire prone area to another often without regard for well intended defensible spaces. Communities may feel more secure with a defensible perimeter but unless the fundamental fire risks are reduced across the entire landscape, they are unlikely to provide measurable benefit. A recent example of this is the Cache Mountain Fire in 2002 that burned 4,200 acres and traveled nearly four miles before burning down two homes in Central Oregon.

The designation of 177,800 acres of new wilderness under S. 2723 appears contrary to the intentions of Congress and the President in reducing the risk of wildfire on federal lands with passage of The Health Forests Restoration Act of 2003 (16 U.S.C. 6501). Less than one year after Congress and the President recognized the importance of actively managing public forest resources for the reduction of wildfire risk, some of these same lands that are candidate for treatment and fire hazard reduction under the HFRA are now proposed for wilderness.

### 3. INAPPROPRIATE USE OF WILDERNESS DESIGNATION

S. 2723 proposes to extend Wilderness designation to a type and character of land never before associated with Wilderness. There are existing improvements and land uses within or adjacent to portions of the proposed wilderness including forest roads, the Historic Columbia River Highway, cabins, campgrounds, snowparks and parking areas. In addition there are obvious indicators of past management activity that are not consistent with a wilderness experience. Lands containing or being situated near existing improvements or lands with obvious indicators of management activity should not be candidates for Wilderness designation. To do so creates a lower standard for the definition of wilderness that, in my interpretation, was not envisioned in the Wilderness Act and is erosive of its intended purpose.

Because of the non-traditional nature of lands proposed for wilderness under S. 2723, the Bill requires a number of special exceptions. These special exceptions include allowances for continuation of existing rights and withdrawals, experimentation with a mountain biking pilot project, the occurrence of power line and communication facilities and state highways within the proposed wilderness. Again, this precedent erodes the basic definition of wilderness and all of these special exceptions would create inconsistency and public confusion as to allowable uses between one Wilderness and another. The proposal to designate these lands as wilderness constitutes an inappropriate use of the wilderness designation.

### 4. COLUMBIA GORGE NATIONAL SCENIC AREA

In the 1980's, alternatives were explored to provide protection for the unique resource of the Columbia River Gorge. Among alternatives considered was inclusion of the Columbia River Gorge in the National Park System. Given the nature of existing and historical development activity in the Columbia Gorge, including populated areas, the presence of urban and industrial activities, private land uses, railroad traffic, interstate vehicle traffic, marine traffic, and historical motorized and non-motorized recreational activities, National Park status was determined to not fit the Columbia River Gorge. Instead, Congress created the unique designation of a National Scenic Area for the Columbia Gorge in 1986. In recognition of these existing multiple uses, the Columbia River Gorge National Scenic Area Act (CRGNSA) specified dual objectives of protecting scenic, cultural, recreational and natural resources along with supporting economic development of the Columbia River Gorge, particularly in designated urban areas.

In the CRGNSA, Congress designated Special Management Areas (SMA), General Management Areas (GMA) and Urban Exempt Areas. The SMA zone identified lands of significant scenic, cultural or recreational value for a higher standard of protection while still allowing for existing and potential economic development. Examples of current SMA forest regulations that balance the dual objectives of the Scenic Area range from outright prohibition on timber harvest to a maximum of 5 acre harvest openings in visible areas.

S. 2723 proposes to designate more than 36,000 acres of SMA as wilderness in the Columbia River Gorge. Wilderness designation is inconsistent with the dual objectives of Congress in the CRGNSA by eliminating any opportunity for economic development and will result in elimination and restriction of historical recreation uses. Further, wilderness designation in the Columbia Gorge for scenic and cultural values is unnecessary as the CRGNSA already provides scenic, cultural and recreational protection through the National Scenic Area Management Plan.

The Columbia River Gorge experiences strong wind patterns as a result of its geography. As a result, the Columbia River Gorge has historically been an area of high fire frequency. Directly across the Columbia River from the proposed wilderness in the CRGNSA are portions of the historic Yacolt burn that consumed 238,000 acres of forestland in Washington in 1902. Within the past three years the Panorama, Sheldon Ridge and Cascade Locks fires have occurred within the CRGNSA. Approximately ten years ago, the Multnomah Falls fire occurred within the very area currently proposed for wilderness designation. Had any of these fires occurred within wilderness, fire suppression efforts would have been severely restricted and the potential for a catastrophic fire, with devastating impacts to scenic, cultural and natural resources greatly increased. Wilderness designation within the Columbia River Gorge is simply an irresponsible use of the Wilderness Act due to these elevated risks.

#### 5. CLASS I AIRSHED

Crater Lake National Park and the 11 Oregon wilderness areas created in 1977, including the Mount Hood Wilderness, are designated with Class I airshed status. In response, the State of Oregon Department of Environmental Quality has assembled a Visibility Advisory Committee to make recommendations to achieve compliance with Class I designation. Here follows the overview from the Committee's July 2001 "Recommendations for Improvement to the Oregon Visibility Protection Plan":

"The Oregon Visibility Protection Plan was adopted in 1986 to protect Crater Lake National Park and 11 national wilderness areas from air pollution that degrades the visual experience in these scenic Class I areas. The Plan was developed to comply with the Environmental Protection Agency's Phase I visibility program addressing human-caused sources that can be identified as causing direct impacts (i.e., reasonably attributable) in Class I areas. The current Plan contains both seasonal and annual control strategies to reduce and prevent visibility impairment in Oregon's Class I areas. The primary components of the Plan include: (1) a seasonal strategy focused on large area sources such as forest slash burning and agricultural field burning during the summer Visibility Protection Period when the vast majority of Class I area visitation occurs; (2) a year-round strategy which includes preventing significant visibility impacts in Class I areas from new and modified major stationary sources using the State's New Source Review permitting program, and reliance on other measures such as controls on existing industrial sources, residential woodstoves, and motor vehicles to reduce pollution in populated areas; and (3) a visibility monitoring strategy that includes utilizing data from State and Federal agencies' monitoring sites in or adjacent to Oregon's Class I areas."

As this overview indicates, Oregon DEQ has developed regulations to prevent visibility impacts to the Mount Hood Wilderness from agricultural and forestry practices, existing and new industrial sources, and woodstoves and motor vehicles in populated areas. The proposed expansions of the Mount Hood Wilderness would carry Class I designation but none of the other wilderness expansions would carry Class I designation unless ordered by Congress. The proposed Mount Hood Wilderness expansion includes locations near existing populated areas and in low elevations foothills, nearer to agricultural and private forestry activities, industrial and residential activities and vehicle traffic. The regulatory effects of expansion of this Class I airshed designation must be evaluated. The economic impacts of regulations that will be required to protect Class I airshed should be of great concern not only to nearby industrial, residential, agricultural and forestry activities, but also to Portland metropolitan sources of industrial, residential and vehicular emissions that have an effect on regional air quality and haze.

#### 6. MOUNT HOOD FOREST THINNING

Title VII of S. 2723 proposes to allow modest economic utilization of the Mount Hood National Forest's public resources through forest thinning. While I agree that thinning is a forest management tool that should be used, S. 2723 fails by restricting forest thinning to only second growth, plantation stands. This restriction is not logical and raises a number of questions. Why are overstocked "plantation" forests the only stands that should be managed? What about overstocked naturally regenerated stands? Such stands may exist nearby or in adjacency. Don't these forests need treatment as well? If thinning is to be an effective forest management tool to achieve the desired objectives it should not be restricted in application on the landscape.

Of even greater concern, however, is the definition and prohibition on harvesting old growth under S. 2723. This Bill proposes to define old growth as any individual tree greater than 120 years of age, or any stand of trees that has never been managed. This is a definition of old growth that is not scientifically supported. Particularly on eastside forests, stands of 120 years often are small diameter and do not exhibit the ecological components that define an "old growth forest" and these stands are in need thinning, selective harvest or even-aged harvest to improve forest health. Including "unmanaged" stands within the definition of old growth is illogical. Is a 40 year old forest that has never been managed and naturally regenerated after a forest fire "old growth"?

With all due respect to the author's intention of allowing some form of active forest management, S. 2723 is attempting to legislate what, how and where public forest managers do their job. Existing National Forest Land and Resource Management Plans, the Northwest Forest Plan and Forest Service personnel should be trusted as more capable than Congress to determine how and where forest thinning and other management activities occur.

I thank the Committee for the opportunity to comment on S. 2723, The Lewis and Clark Mount Hood Wilderness Act of 2004. It should be obvious from my comments that I share with many of you a great personal interest in forest management and the responsible stewardship of our nation's forest resources. Unfortunately for colleagues of mine in the profession of forestry, the management of our public forest resources has become increasingly politicized and our national forests continue to be caught in this tug-of-war between preservation and utilization. While we debate, our forests become increasingly unhealthy and vulnerable to fire due to lack of sound forest management. I strongly believe the answer is found in the multiple-use management philosophy of management to achieve the "greatest good for greatest number". Proposals such as S. 2723 that permanently exclude forest management through vast designations of wilderness, including lands of questionable wilderness character, are not in the public interest.

There is an appropriate place for Wilderness and myself and staff members of the American Forest Resource Council look forward to working with Senator Wyden and others to identify opportunities for wilderness that make sense economically and ecologically.

Senator SMITH. Thank you very much.

We'll next hear from Chris DiStefano, International Mountain Bikers Association.

**STATEMENT OF CHRIS DiSTEFANO, BOARD MEMBER,  
INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION**

Mr. DiSTEFANO. Thank you, members of the committee.

On behalf of the International Mountain Bicycle Association and the local bicycling clubs around the Mount Hood National Forest. Thank you for the opportunity to offer comments on the Lewis and Clark Mount Hood Wilderness Act of 2004.

My name is Chris DiStefano, and I live in Portland, Oregon, along with my wife and two sons. I also serve on the board of directors for the International Mountain Bicycling Association, also known as IMBA. IMBA was founded in 1988, and leads the national and worldwide bicycling communities in mountain biking through a network of 32,000 members with more than 550 affiliated clubs, including 19 in Oregon. Of those 19, we have three major clubs in Oregon that have been working on this bill in conjunction with the sponsors and others. The Portland United Mountain Pedalers represents cyclists around Portland. The Columbia Area Mountain Bicycling Association represents cyclists around Hood River. And the Central Oregon Trails Alliance represents cyclists around Bend, Oregon.

Before addressing the specifics of the legislation, I would like to take a moment to describe a vision for you that captures the essence of mountain bikers and why we support wild places.

All experienced trail users, including hikers, equestrians, runners, mountain bikers, prefer narrow, single-track trails. For cyclists, it's the favored experience, much like skiing in fresh powder or playing a legendary golf course. Most trail users want to experience a close connection to nature. Single-track provides this better than roads, because it blends in with the surrounding environment, disturbs much less ground and is easier to maintain.

As bicyclists, we generally support protection of undeveloped public lands to preserve this experience, but wilderness designation prohibits bicycling. On the one hand, the mountain-bike community can be environmentally conscious and support preservation and conservation of wildlands, while, on the other, mountain bikers do not want to lose access to trails ridden for years without conflicts. Consequently, bicyclists seek modifications on wilderness proposals that will protect the land while continuing to allow this quiet, low-impact, muscle-powered recreation on significant trails.

In economic terms, this bill affects a significant number of local companies, including manufacturers, distributors, bicycle dealers, and tourism-related businesses. A perfect example is Chris King Precision Components, which produces high-performance mountain-bike components with more than 60 employees and \$5 million in annual revenues. Chris King recently relocated its corporate headquarters and operations to Portland because of the strong mountain-bike community, the local support for the sport, availability of local trails, and incredible natural environment.

IMBA believes that bicycle access is a legitimate primitive form of recreation that should be treated no differently than other forms of muscle-powered recreation, such as hiking, horseback riding, skiing, and climbing. There is significant scientific evidence and a full generation of experience showing that the actual impact of mountain bikes is comparable to hikers, who are allowed in wilderness. Congress can help us overcome this debate by supporting the approach outlined in the proposed Mount Hood Wilderness bill. As we look at the Mount Hood Pedalers Demonstration Experiment Area, or Hood-PDX, IMBA generally supports the intent, because our members value protecting pristine lands from development in S. 2723. Consequently, IMBA believes that the proposed Mount Hood Pedalers Demonstration Experiment Area in title 5 of the bill is a positive step forward in public land policy regarding wilderness, as it protects the land while allowing bicycling. This pilot project is an excellent example of a creative solution to a public-policy problem.

The Hood-PDX Demonstration Program takes a page from our toolkit approach, and its demonstration program will allow reliable information based on solid research and actual experience to govern decisions about whether to allow bikes in future wilderness areas designated by Congress.

While IMBA is encouraged by this approach, we have several concerns regarding the actual area of the pilot project: monitoring, reporting, and termination requirements, and the funding provisions. These are detailed in my written testimony. We hope these issues can be addressed as the bill receives further review.

Regarding title 1 of the bill, IMBA could support some of the areas of the bill for wilderness, including lands west of Tom, Dick, and Harry Mountain, lands around Devil's Peak, lands around

Draw Creek and Abbot Burn, lands east of the Badger Creek Wilderness. IMBA's analysis of title 1 of the bill, however, found that all of the areas under consideration conflict, to some degree, with bicycling. We're including a list of all trail opportunities that will be lost to bicycling due to the bill, which may total more than 214 miles.

Wilderness is not the only way to protect the remaining un-designated, undeveloped lands. IMBA and mountain-bike advocates support a toolkit approach to addressing the wilderness issue. For these areas, IMBA seeks boundary adjustments, alternative land protection such as wild and scenic rivers, trail corridors—would allow bicyclists continued access—or the expansion of the Hood-PDX area to include more trails. Alternative designation areas must have strong, irrevocable legislative language to protect lands from development. I have provided, in my written testimony, an example of the type of legislative language we believe would ensure bicycle access and affords substantially the same protection as a wilderness designation.

In sum, IMBA believes, and I believe, mountain biking is a healthy, non-motorized outdoor activity with minimum environmental impact and a positive economic impact for Oregon. IMBA urges the committee to amend this legislation to allow continued mountain-bike access on lands around Mount Hood while taking steps to protect the land from development. We hope this support will include the Hood-PDX Demonstration Project, increased funding and support for trail planning and development, and the use of boundary adjustments and alternative designations to accommodate existing mountain-bike access in this area.

I thank you very much for the opportunity to speak today, and I welcome your questions.

[The prepared statement of Mr. DiStefano follows:]

PREPARED STATEMENT OF CHRIS DiSTEFANO, BOARD MEMBER, INTERNATIONAL MOUNTAIN BIKERS ASSOCIATION

On behalf of the International Mountain Bicycling Association (IMBA) and local bicycling clubs around the state of Oregon and Mount Hood National Forest, I write to offer comments on S. 2723, the Lewis and Clark Mount Hood Wilderness Act of 2004. Before addressing the specifics of the legislation, I would like to take a moment to describe a vision for you that captures the essence of mountain bikers and why we support wild places.

One mountain biker from Colorado put it this way, "Mountain biking on single-track is like skiing in fresh powder, or matching the hatch while fly fishing, or playing golf at Pebble Beach."

All experienced trail users prefer narrower, singletrack trails. Cyclists are no different. Bike riding on narrow, natural surface trails is as old as the bicycle. In its beginning, all bicycling was essentially mountain biking because bicycles predate paved roads. In many historic photographs from the late 19th-century, people are shown riding bicycles on dirt paths. During World War II the Swiss Army outfitted some units with bicycles to travel more quickly on narrow trails through mountainous terrain. Most trail users want to experience a close connection to Nature. Singletrack provides this better than roads because it blends into the surrounding environment, disturbs much less ground, and is easier to maintain. On singletrack, trees and shrubs envelope you in a tunnel of green and the curve of the land guides the direction of your travel. The experience just isn't the same when you are walking or pedaling on an open, wide road. When one is moving slowly on singletrack, you feel the wind, you smell the flowers, and you feel connected to the natural world.

To preserve this experience, bicyclists generally support protection of undeveloped public lands but Wilderness designation prohibits bicycling. Bicyclists therefore

must seek modifications of Wilderness proposals that will protect the land while continuing to allow this quiet, low-impact, muscle-powered recreation on significant trails.

The International Mountain Bicycling Association (IMBA), founded in 1988, leads the national and worldwide mountain bicycling communities through a network of 32,000 individual members and more than 550 affiliated clubs, including 19 in Oregon. Three major clubs in Oregon have been working on this bill in conjunction with the sponsors and others: the Portland United Mountain Pedalers (PUMP) represents cyclists around Portland, the Columbia Area Mountain Bicycling Association (CAMBA) represents cyclists around Hood River and the Central Oregon Trails Alliance (COTA) represents cyclists around Bend. IMBA teaches sustainable trailbuilding techniques and has become a leader in trail design, construction, and maintenance; and encourages responsible riding, volunteer trailwork, and cooperation among trail user groups and land managers. Nationwide, IMBA members and affiliated clubs conduct close to 1,000,000 hours of trailwork annually and are some of the best assistants to federal, state, and local land managers.

IMBA generally supports the intent of S. 2723 because our members value protecting pristine lands from development. Bicyclists love to ride remote backcountry areas on narrow trails just like hikers and equestrians and feel conflicted when Wilderness is proposed that affects significant biking trails. On the one hand, they want to protect the areas they ride, but on the other, they don't want to lose access to the trails they have ridden for almost two decades. Consequently, IMBA believes that the proposed Mount Hood Pedaler's Demonstration Experiment Area (Hood-PDX) is a positive step forward in public land policy regarding Wilderness as it protects the land while allowing bicycling.

While IMBA is encouraged by this approach, we have several concerns regarding the actual area of the pilot project, monitoring, reporting and termination requirements and the funding provisions, as detailed in the attached materials.\* In brief, we urge the committee to give this pilot project favorable consideration provided that the bill is amended to include lands near Bonnie Butte and Badger Creek Grasshopper Point. In addition, we urge that that the Hood-PDX lands revert to their original status upon termination, and that funds are provided to implement and monitor the project. This pilot project is an excellent example of public officials attempting to 'think outside the box' to craft creative solutions to major public policy problems. In light of Oregon's innovative thinking on such issues as recycling, health care, and public access to lands, it comes as no surprise that Oregon public servants would once again be leading the nation and demonstrating how states truly are the laboratories of democracy.

In addition, IMBA supports the existing Wilderness designations and some of the Forest Service closures. IMBA could support some of the areas of S. 2723 for Wilderness, including the area west of Tom, Dick and Harry Mountain, the area around Devil's Peak and Veda Lake, lands around Draw Creek and Abbot Burn, and lands east of the Badger Creek Wilderness.

IMBA has analyzed Title I of the bill, however, and found that all of the areas under consideration conflict to some degree with bicycling. At stake in S. 2723 are fabulous riding routes such as the Larch Mountain Trail in the Columbia River Gorge National Scenic Area in Multnomah County, the Palmateer Meadows and Bonney Meadows trails in Wasco County, the Wacoma Ridge Trail in Hood River County, and the Sandy River Trail in Clackamas County. We are including a list of all trail opportunities that will be lost to bicycling due to S. 2723, which total more than 214 miles.

Wilderness is not the only way to protect the remaining undesignated, undeveloped lands. For these areas, IMBA suggests boundary adjustments, alternative designations (Wild and Scenic Rivers, National Conservation Areas, National Scenic Areas and National Protection Areas), trail corridors or expansion of the Hood-PDX area to include more trails. Please find attached sample legislative language for the type of alternative designation we think would ensure bicycle access and afford the same protection as a Wilderness.

The trail closures proposed in this bill would further exacerbate a situation where much of the Mount Hood National Forest has already been closed to bicycling. A significant portion of the forest has been designated Wilderness. In addition, many trails leading into or just running near the existing Wilderness areas have been closed by the USDA Forest Service. For example, the agency closed the Hunchback Mountain and McIntyre Ridge trails to bicycling, even though they are almost entirely out of the Wilderness. In a more positive approach the agency would have worked with bicyclists to reroute the very few trail segments that cross a very short

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\*The attachments have been retained in subcommittee files.

distance into the Salmon-Huckleberry Wilderness. In addition, while Hood-PDX is a positive development overall, the specified areas are far too few and too small to encompass the large number of bicycling trails threatened by this bill. Most of the mountain bike riding would be severely compromised. If these are trails are not accommodated in the bill in some fashion, then Hood-PDX may attract increased attention from mountain bikers, leading to overuse over time that may exacerbate ecological damage and hamper efforts to accurately assess impacts. The possible negative impacts to mountain biking and the land if this occurs are not in the interest of anyone who cares about Mount Hood.

A related issue is that the true extent of the closures is not fully presented. We believe that the Forest Service is not aware of all the trails on the Mount Hood National Forest. Furthermore, the maps accompanying this bill are inadequate for clear public analysis. Drawn in black and white and scaled too small, the maps obscure or do not depict critical topographic features and many of the trails at issue. Therefore, IMBA has tried to map all the routes and submits the attached map and trail list to indicate the scope of trail closures entailed by this bill. The committee and the public need to have maps that clearly display relevant geographic features and impacted trails.

We also note that the boundaries of the proposed Wilderness areas are highly convoluted. To IMBA, this is another indicator of the inappropriateness of Wilderness as the tool for protecting these lands. With a more flexible designation, regular and meaningful boundaries could be created, and Congress could determine the allowable activities within the protected lands.

IMBA believes that bicycle access is a legitimate, primitive form of recreation that should be allowed in new Wilderness areas subject to ongoing administrative discretion of local federal land managers. The current interpretation of the Wilderness Act prohibits mountain bicycling by treating it differently than other forms of muscle-powered recreation, such as hiking, horseback riding, skiing, and climbing. In the 1980's land managers became concerned about the growing popularity of bicycles on trails and chose a simple but excessive solution—banning bikes. Now there is significant scientific evidence and a full generation of experience showing that the actual impact of mountain bikes is comparable to hikers who are allowed in Wilderness. IMBA agrees with the notion that rather than tell people they are going to be restricted from using our nation's public lands, the solution lies in providing more opportunities for them to enjoy our great places. Mountain biking is a healthy, non-motorized outdoor activity that has minimal adverse environmental impact. Congress can overcome this misguided conflict by supporting the approach outlined in the proposed Mount Hood Wilderness bill. IMBA will continue to work with the sponsors of S. 2723 to accommodate bicycling in the Mount Hood National Forest.

Finally, closure of trails to bicycling affects a significant number of local companies including manufacturers, distributors, bicycle dealers, and tourism-related businesses. A good example is Chris King Precision Components, which produces high performance mountain bike components with more than 60 employees and \$5 million in annual revenues. Chris King recently relocated its corporate headquarters and operations from California to Portland, Oregon because of the strong mountain bike community, local support for the sport, availability of local trails, and incredible natural environment.

Overall, bicycling and mountain bike tourism is very important to the local and state economy. Tourism in Oregon is a \$6.1 billion industry—one of the state's top five industries—generating \$230 million annually in local and state tax revenues. Overall, more than 39 million Americans participated in singletrack bicycling in 2003, according to the Outdoor Industry Association. Almost seven million were 'enthusiasts' of singletrack riding, heading out into America's beautiful backcountry whenever they can. In Oregon, mountain biking is a popular sport with close to 400,000 people participating last year (Outdoor Industry Foundation). According to the National Sporting Goods Association 2002 Participation Study, mountain bikers are predominantly college graduates and affluent (64 percent have a household income of \$50,000 or higher). Further, consumers spent \$854 million on mountain bikes in 2002, according to NSGA.

In sum, IMBA believes that mountain biking is a healthy, non-motorized outdoor activity with minimal environmental damage and a positive economic impact for Oregon. IMBA urges the committee to amend this legislation to allow continued mountain bike access on lands around Mount Hood, while taking steps to protect the land from development. We hope this support will include the Hood-PDX demonstration project, increased funding and support for trail planning and development, and the use of boundary adjustments and alternative designations to accommodate existing mountain bike access in the area. We also hope this support will include the des-

ignation of new Wilderness areas in order to protect critical pristine lands on Mount Hood.

Thank you for the opportunity to submit comments on this important legislation. We look forward to working with you and the sponsors of S. 2723.

Senator SMITH. Thank you very much.  
Madam Mayor, thank you.

#### **STATEMENT OF LINDA MALONE, MAYOR, CITY OF SANDY, OR**

Mayor MALONE. Thank you, Mr. Chairman and distinguished member of the Committee.

My name is Linda Malone, and I'm very pleased to appear before you today, two of my favorite Senators, to speak in favor of S. 2723.

I'm the mayor of Sandy, Oregon. And when this Lewis and Clark Wilderness Act of 2004 came about, it had the full support of our Council. The city I represent, as you—I had a picture in my testimony that I sent in—is situated at the edge of the Mount Hood National Forest. The sign that welcomes you as you enter my city announces that we are the gateway to Mount Hood. As a city and as a community, we're committed to doing all that we can to see that this area is preserved.

Our City Council has previously sent a formal letter, endorsing and supporting this bill, to our congressional delegation. The letter was signed by all seven members of our City Council. And, interestingly enough, we do have one of our City Council members who is the land manager for Longview Fiber. He also signed the letter. Longview Fiber basically is in our watershed, actually in the middle of where we draw our water. It was also signed by the Youth Council, high-school students that sit with us during the school year and participate fully in the discussion with our Council. And I think it's especially significant that these young people signed this letter, because the Lewis and Clark Wilderness Act truly reflects a commitment to preserving the quality of our natural resources for generations to come. Sandy has a direct in this bill, also, as a further protection of our drinking water.

The city of Sandy's current water supply comes from two sources, Brownell Springs and Alder Creek. We also have water rights on the Salmon River, which will supply our future water needs. The water is very pure, and we would like to keep it that way.

We have a good working relationship with the Federal agency responsible for managing the forest, and we've entered into a memorandum of understanding with the Bureau of Land Management that provides some protection of our Alder Creek Watershed. This act would further strengthen that protection.

Thanks to the growing importance of our visitor-based economy, our city also directly benefits from the pristine nature of the national forest. True wilderness, unfortunately, is a vanishing asset in the world and something that makes our area a real attraction.

We realize that the wilderness designation does limit a few recreational activities. I would like to commend Senator Wyden for his acknowledgment of this and recognizing it by including over 120 miles of mountain-bike trails within this wilderness designation.

In all fairness, common sense—and I know that sometimes that doesn't apply on all governmental levels, but common sense should be applied to the implementation of protective measures. I don't

know if applying common sense is something that is easily done within the parameters of government.

Senator WYDEN. This is a logic-free zone in Washington.

[Laughter.]

Mayor MALONE. Walking around and seeing the different measures put up, I can fully understand that logic sometimes does take leave of itself here. That said, it's a beautiful city.

And the fact that, even with this additional wilderness protection, there will still be plenty of other areas for the forest available for motorboating, mountain-biking, snowmobiling, and all the other activities that visitors to our city, and, indeed, my citizens, enjoy.

Additionally, within the area proposed for wilderness designation, a variety of activities—not only the area that is proposed, but the 180-some acres—180,000-some acres that already exist—the variety of activities that are already permitted—hiking, horseback riding, birdwatching, canoeing, kayaking, hunting, fishing—those are already permitted within wilderness areas, and there are a lot of people within my city and people that visit and spend money in my city who would like to do those things in the peace and solitude of a wilderness-designated area.

A generation ago, Sandy was a sawmill town, so it is not with any—it is not lightly that we take a position like this, because we have evolved from a former sawmill town. We currently have one sawmill left—Oja Lumber. My house sits on a place which I was—just discovered recently the reason our backyard is so mucky is, it used to be a millpond.

And if you go around town, there's an oldtimer in town, called Phil Joneswright, who write a book called "Eighty Years in the Same Neighborhood." And I'm sure he could take you on a tour around town and show you where all the 12 or 13 old millponds used to be and where the old mills used to be in town.

That is a time that has gone. We are now a town that is primarily based on visitors, tourists, and accessing—the fact that we are the gateway to Mount Hood. It's—other than Highway 84, we're the only access point—logical access point over to the mountain and to that precious resource.

We strongly support well-managed private timberland, and we have intentionally limited our own urban expansion to protect this resource. We also recognize the importance of well-managed public lands as a source of timber.

But, again, even with this additional wilderness designation, Oregon will continue to have an abundance of public lands that can be logged. As Senator Smith said, and in the diagram that you showed prior to the hearing, or during your part of the testimony, timber-cutting is very limited in this area, anyway. So the argument that you have to have it for timber-cutting would belie that chart that you showed that—it's not being used for timber-cutting now. So that, I think, is less than, I think, the significance of having it preserved as a wilderness.

And to close, at the end of the day, I can easily see that we would live to regret not doing as much as we can, but looking back and saying, "I wish we had done more." I can't see us regretting not doing as much as we possibly can at this time.

And, again, I would like to thank Senator Smith and Senator Wyden, and especially, Senator Wyden, for your leadership you've demonstrated in seeking compromise and in striving to protect a valuable national treasure. I hope you will be able to get the support that is necessary to make this a reality, to have this measure pass. And I would like to thank you for working together with our other Senator, Senator Smith, who we've had the pleasure of talking with in the past in different candidate forums. But I hope the two of you can work together in the Senate, which is, by my 30-year-old definition of high-school government, where the visionary things happen is in the Senate—the longrange planning, the stuff of the future. And then once you've set your course, to include the House and make something that will last for the future, and that we can look back on generations from now, when I have grandkids growing up in Oregon, and say, "I'm sure glad that I was a part—or had some say in having that happen." I think we will all be proud of that in the future.

Thank you. And I urge your support.

Senator SMITH. Thank you very much, Linda.

Jay Ward, it's good to see you.

**STATEMENT OF JAY WARD, CONSERVATION DIRECTOR,  
OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR**

Mr. WARD. Good seeing you, Mr. Chairman.

Thank you and Senator Wyden for the opportunity to testify regarding S. 2723, the Lewis and Clark Mount Hood Wilderness Act.

My name is Jay Ward, and I serve as the conservation director of the Oregon Natural Resources Council, whose 6,000 members are dedicated to keeping Oregon a special place to live, work, and raise a family. With my testimony today, I also speak for the Oregon Wild Forest Coalition, whose member organizations represent tens of thousands of Oregonians who are working to protect Oregonians rich natural legacy for future generations to use and enjoy. You will receive additional testimony from many of them.

It is my great privilege to appear before both of Oregon's esteemed Senators on so popular a matter as protecting Oregon's scenic icons, Mount Hood and the Columbia River Gorge.

I would like to start by addressing just a few of the many reasons that we believe the 177,000 acres of public land listed in S. 2723 are worthy of Federal wilderness designation.

For the existing wilderness areas around Mount Hood are some of the most visited public lands in Oregon. Oregonians and our guests from around the world continue to seek out the dispersed recreational experience that only wilderness offers, but find it increasingly challenging to do so. According to the Forest Service, the existing Mount Hood wilderness areas attract twice as many visitors as previously thought.

Millions of Americans use and enjoy wilderness, Mr. Chairman, and they're saying so with their feet and their travel dollars, for wilderness beneficiaries are not just hardy backpackers or mountain climbers; indeed, thousands of motorists on Highway 26 also enjoy scenic views of the Salmon Huckleberry wilderness areas. They drive to the mountain. In fact, the Salmon Huckleberry wil-

derness was protected just 20 years by Senator Hatfield in the Oregon Wilderness Act of 1984.

But as great as that bill was, it omitted some astounding wilderness-quality forest. Fortunately, Mr. Chairman, you and the Senate now have the ability to remedy that situation.

I would like to address each of the wilderness additions proposed in S. 2723, starting with the Salmon Huckleberry.

Building on Senator Hatfield's legacy, S. 2723 proposes to protect the Roaring River roadless area, some of the most important salmon and trout streams in the Mount Hood National Forest. Wildlife in the area include bald eagle, osprey, badger, mink, and the elusive fisher. The lower segments of Roaring River provide winter range for Roosevelt elk and black-tailed deer, and are home to coho and spring chinook salmon, winter and summer steelhead, cutthroat and rainbow trout. The nearby Alder Creek addition shelters part of the drinking-water supply for the residents of Sandy, Oregon, while the Eagle Creek additions contribute drinking water to the cities of Oregon City, West Linn, and Lake Oswego.

The Mount Hood wilderness additions. Few landscapes of Oregon offer the range of outdoor recreation opportunities as Mount Hood, from the developed alpine ski areas of Timberline, Multopor, and Mount Hood Meadows, to the historic back-country trails of the Tilly-Jane roadless area. Mount Hood is literally Oregon's showcase destination.

Roadless areas like Bonney Butte are famous for the raptors they host each fall. In fact, right now, the months of September/October, you can see up to 4500 migrant hawks, as well as golden eagles, from the Bonney Butte area.

A friend of mine who hunts there tells me that the lower White River area is a great place for wild turkeys, and the Lost Lake roadless area on the north side of Mount Hood has long been immortalized by Oregon's renowned photographer Ray Atkeson, and contains the proposal's largest old-growth trees.

The Badger Creek wilderness additions. The Fifteenmile Creek roadless area includes the healthiest stand of old-growth ponderosa pine on the entire Mount Hood National Forest, and has been identified during the ice-bump process as a key salmon stronghold. The old-growth forest surrounding Boulder Lake shelters the elusive wolverine as well as trophy-class elk. Protecting these Lower Badger Creek roadless areas as wilderness will facilitate foraging and population dispersal for these magnificent creatures. This is pretty important, as elk are especially significant to roads and vehicular traffic.

And the Mark O. Hatfield wilderness additions. One hundred and ninety-nine years ago next month, Lewis and Clark first glimpsed the Columbia River Gorge and what we now call the Mark O. Hatfield Wilderness Additions. The uplands of the gorge were too high for Lewis and Clark to see, but they did observe what is believed to be the highest concentration of waterfalls in North America.

While these lands enjoy some administrative safeguards under the Columbia Gorge National Scenic Area Management Plan, only congressional wilderness designation will guarantee their protection for future generations.

Mr. Chairman, I'd like to finish by thanking Senator Wyden for bringing this bill before the committee. As is often the case, there are elements of the bill, such as titles 5 and 8, that the local and national environmental organizations feel need serious improvement. We look forward to working with Senator Wyden, Senator Smith, and all the stakeholders to do just that, because protecting these lands and the animal communities that they shelter is not just a good idea; it's a great one. And by protecting these communities, you will enrich the human communities, as well. That is why the city of Sandy and the City Council of Portland and over 50 businesses surrounding the mountain support protecting these lands.

In closing, Mr. Chairman, I would like to quote Lyndon Johnson, who, 40 years ago this month, signed the original Wilderness Act. He said, and I quote, "If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

Mr. Chairman, Senator Wyden, wilderness is that glimpse of the world, and, like President Johnson's quote, future generations of Americans will remember those who protect it.

Thank you. I'd be happy to answer any questions.

[The prepared statement of Mr. Ward follows:]

PREPARED STATEMENT OF JAY WARD, CONSERVATION DIRECTOR, OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR

Mr. Chairman, esteemed members of the committee, I appreciate the opportunity to address you regarding Senate Bill 2723, the Lewis and Clark-Mount Hood Wilderness Act of 2004. My name is Jay Ward and I serve as the Conservation Director of the Oregon Natural Resources Council, an Oregon-based conservation organization whose 6000 plus members are dedicated to keeping Oregon a special place to live, work and raise a family.

It is my great privilege to appear before you Mr. Chairman and both of Oregon's esteemed senators on so popular a matter as protecting Oregon's scenic icons, Mount Hood and the Columbia River Gorge, especially during this, the bicentennial commemoration of Lewis and Clark Corps of Discovery.

I'd like to start by addressing just a few of the many reasons we believe that the 177,000 acres of public land listed in S2723 are worthy of federal wilderness designation.

The existing wilderness areas around Mount Hood are some of the most visited public lands in Oregon. Oregonians, and our guests from around the world continue to seek out the dispersed recreational experience that wilderness offers, but are finding it increasingly challenging to do so. According to the United States Forest Service, the existing Mount Hood wilderness areas are attracting twice as many visitors than previously thought. Millions of Americans use and enjoy wilderness Mr. Chairman and they are saying so with their feet and their travel dollars.

For wilderness beneficiaries are not just hardy backpackers and mountain climbers. But wilderness vistas are also enjoyed by thousands of motorists on Highways 26 and 35. Duffers and golf pros playing the Three Nines golf course marvel at the surrounding forests of the Salmon Huckleberry Wilderness area. In fact, the Salmon Huckleberry Wilderness was protected 20 years ago by Senator Hatfield in the Oregon Wilderness of 1984. But as great as that bill was, it omitted some astounding wilderness-quality forests. Fortunately Mr. Chairman, you and the Senate now have the ability to fulfill that vision.

I will now address each of the wilderness additions proposed in S2723, starting with:

SALMON-HUCKLEBERRY WILDERNESS ADDITIONS

Building on Senator Hatfield's legacy, S2723 proposes to protect some of the most important salmon and trout streams in the Mount Hood National Forest. Fed by

countless high cascade lakes, Roaring River flows through the largest intact forest on the Mount Hood, the Roaring River roadless area. Wildlife in the area include bald eagle, osprey, pileated woodpecker, badger, mink and the elusive fisher. The lower segments of Roaring River provide winter range habitat for Roosevelt elk and black tailed deer and are home to coho salmon, spring chinook salmon, winter and summer steelhead, resident cutthroat trout, and coastal rainbow trout. The nearby Alder Creek addition shelters some of the drinking water supply for the residents of Sandy, Oregon, while the Eagle Creek additions contribute drinking water to the cities of West Linn, Lake Oswego and Oregon City.

#### MOUNT HOOD WILDERNESS ADDITIONS

Few landscapes in Oregon offer the range of outdoor recreational opportunities as Mount Hood. From the developed alpine ski areas of Timberline, Multorpor and Mount Hood Meadows to the historic backcountry trails of the Tilly Jane roadless area, Mount Hood is literally Oregon's showcase destination. Much like the Birds of Prey National Conservation Area in Idaho Mr. Chairman, roadless areas like Bonney Butte are famous for the raptors they host each fall. During the months of September and October up to 4,500 migrant hawks, as well as Golden Eagles can be seen from the top of Bonney Butte. I have it on good authority from a friend of mine who hunts the area that the lower White River roadless area is one of the best places in Oregon for wild turkey hunting. The Lost Lake Roadless area on the North side of Mount Hood has been immortalized by Oregon's renowned photographer Ray Atkeson and contains the largest old-growth trees in the legislation.

#### BADGER CREEK WILDERNESS ADDITIONS (17,410 ACRES)

The Fifteenmile Creek roadless area includes the healthiest stand of old-growth Ponderosa pine on the entire Mount Hood National Forest, and has been identified as a Key Salmon Stronghold in the Interior Columbia Basin Ecosystem Management Project (ICBEMP) research. The old-growth forests surrounding Boulder Lake shelter the elusive wolverine as well as trophy-class elk. Protecting these Lower Badger Creek roadless areas as wilderness will provide these magnificent creatures with migratory corridors that facilitate foraging and population dispersal. This is especially important as elk are particularly sensitive to roads and vehicular traffic, as has been demonstrated in recent studies conducted by Forest Service and Oregon Department of Fish and Wildlife scientists. (see <http://www.fs.fed.us/pnw/lagrande/starkey-na/PDFs—Preprints/ms-04—Rowland.pdf>)

#### MARK O. HATFIELD WILDERNESS ADDITIONS

199 years ago next month, Lewis and Clark, after traversing what would become the state of Idaho, first glimpsed the Columbia River Gorge and the roadless areas of the Mark O. Hatfield wilderness additions. Clark's description of Mount Hood was not poetic, but acknowledged its immense size and now familiar "rugid" shape. The uplands of the Columbia River Gorge were too high for Lewis and Clark to see, but they did observe what is believed to be the highest concentration of waterfalls in North America. McCall Point, named after Oregon's governor Tom McCall offers breathtaking views and a stunning array of over 200 species of wildflowers during the spring and summer. While these lands enjoy some administrative safeguards under the Columbia Gorge National Scenic Area management plan, only congressionally-backed wilderness designation will guarantee their protection for future generations.

Mr. Chairman, I'd like to close by thanking Senator Wyden for bringing this bill before the committee. Like all legislation, there are elements of the bill such as Titles V and VIII that we feel can be improved and we look forward to working with Senator Wyden, Senator Smith and all of the stakeholders to do so. But we are not interested in letting the perfect become the enemy of the good. Protecting these lands and the plant and animal communities that they shelter is not just a good idea, it is a great one. And by protecting those communities, you will enrich the living human communities as well. That is why I believe the cities of Sandy and Portland and over 50 businesses surrounding the mountain support this legislation.

In closing, I'd like to quote President Lyndon Johnson. President Johnson, who 40 years ago this month signed the wilderness act said upon signing the legislation "If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

Mr. Chairman, members of the committee, wilderness is that glimpse of the world and like President Johnson's quote, future generations of Americans will remember well those who protect it.

Thank you.

Senator SMITH. Both Senator Wyden and I will each need to leave—I have to preside shortly, and I think you have a commitment, as well, Senator. I was going to turn the gavel over to you. But, with that, do you have any questions?

Senator WYDEN. I'm just going to be very brief.

Senator SMITH. Why don't you ask them, and I'll submit mine in writing.

Senator WYDEN. Thank you all. You all have been very constructive. And I want to be really quick on this. Just a quick comment.

First, with respect to you, Mr. Spadaro, I think you heard Mr. Rey say that you can use mechanized tools to deal with fire in wilderness areas. I think we've got that corrected for the record. That is a specific section of the rules, and I'll give it to you so you will see it. Mr. Rey specifically agreed with that point, and I don't want to belabor it.

The question I have for you is, my understanding is that your mill gets about 1 percent of your timber from public lands. Is that correct?

Mr. SPADARO. Federal public lands.

Senator WYDEN. That is what we're talking about, of course, with respect to the Mount Hood Wilderness Area, is, we're talking about Federal lands. I guess my question to you is, Is your concern about the legislation more philosophical than anything else, that this is going to be, sort of, one step today and then another step tomorrow and the like? Because, I think you know, I spent an enormous amount of time on the forest-health issue, and I would like to think that Senator Feinstein and I were a pretty big factor in getting the thing passed, so I don't disagree with you at all about the forest health. But when somebody tells me 1 percent of their timber comes from public lands, I want to get a sense of what it really means to you, in fact I would understand if you said, "We're really concerned that you're going to come back tomorrow and it's going to be another 3 percent; and the next day, 6 percent; and the next day, 9 percent."

Mr. SPADARO. I could have been more clear on that. One percent is the current level. Historically, our sustainable yield off our fee ownership has been provided 25 percent; the other 75 percent did come from Federal forestlands. Currently, as I've said, now that it is mostly private, State-owned public, and Hood River County forestry, and Forest Service accounts for less than 1 percent. If we are going to continue our employment at its current level, we need the Mount Hood National Forest to contribute its part to the equation. The Mount Hood was, under the Clinton Forest Plan, to have delivered for sale 60 million board-feet annually. And it is, I believe—in the Mountain Monitoring Report, it was somewhere on the order of between 10 and 12 million feet was sold in the most recent year. So for us to continue all of our operations and employ the 319 employees that we do, we do need—and it is a very specific—and we need the Mount Hood. It is not just a philosophical—although I do absolutely have that philosophical concern.

Senator WYDEN. Well, I won't, as I say, extend this, because the time is short. I think the reality is, is people are not going to increase logging up on Federal lands on Mount Hood. It's just not going to happen.

Your testimony, for example, about the value of a multiple-use approach to forestry, I couldn't agree with that more. That is why, in the Forest Health Bill and also in the County Payments Bill—two pieces of legislation we spent a lot of time on—I fought passionately, and have the welts on my back to show for it, to get that through. But, with all due respect, my judgment is, we're just not going to increase logging on Federal lands in the Mount Hood Wilderness Area.

I want to ask our friends—Mr. DiStefano, one quick question for you. I think you know we have worked hard to try to bring people together on the mountain-bike issue, and I was impressed with the passion that everybody had to the question during the course of the hearing. One of the issues we found is that the forest managers are challenged by the fact that it seems some folks want to forge their own trails and not use existing ones. What can be done to get more mountain bikers to use the established trails?

Mr. DiSTEFANO. I appreciate the question, because it is an image that dogs mountain bikers. Much like any activity or sport, when you have new people who come to the activity that don't understand the courtesies and the protocol, they tend to become a little excited. And that is the case with some of our younger members of mountain-biking community.

By allowing mountain biking on as many trails as is possible, will help to, I think, dissuade people from doing this. All too often, in instances such as this with the wilderness, some riders feel that this is a foregone conclusion, and they'll just go create their own trails as need to be to offset what they're about to lose. If we can teach them, as we've done through our clubs and our affiliates and our retail establishments, it's no different—for example, in the first time you play golf and you don't replace divots or you don't fix ball marks, somebody teaches you to do that for courtesy and sustainability. The same goes for mountain biking.

Senator WYDEN. We will work closely with you.

Mayor Malone, just one point. My colleague mentioned the question of snowmobiling, and your testimony specifically states that even with the legislation, there are plenty of areas for snowmobiling. Is that something—

Mayor MALONE. I would say, as I understand it, the whole Mount Hood area, the national forest, is, what, one-point-some-million acres. And this, combined with the others, is less than 400,000. So there's still 600,000 acres, a lot of it on the mountain, that snowmobilers can still use for snowmobiling. I don't think this shuts them out. It shuts them out from this segment, but there are other areas up there for snowmobiling.

Senator WYDEN. So your overall evaluation is that there will be plenty of opportunities for snowmobiling, even with this legislation?

Mayor MALONE. Yes.

Senator WYDEN. One last question, very quickly. Mr. Ward, I think the environmental community isn't part of what we're going

to continue to work with Mr. DiStefano about the environmental community has a fair number of concerns about the Hood-PDX Pilot Program, because there's a sense that, well, this is the beginning of the onslaught on wilderness. If you have the demonstration project, next step it will be to unravel the Wilderness Act. What are your thoughts or your concerns here on how we, sort of, bring everybody together? We thought that this demonstration project was about as close as we could get, and we still have everybody, kind of, pulling from one end or the other. Do you have any thoughts on how we continue to try and find common ground on this?

Mr. WARD. Thank you for the question, Senator. Actually, I can tell you that my staff has been meeting with the International Mountain Biking Association, the Columbia Area Mountain Biking Advocates, and the Portland United Mountain Pedalers almost continuously for the past 8 months to try and identify areas where we can reduce the potential for conflict. And I think you are to be commended for separating out a number of trails that are important to the mountain-biking community. There are areas that we think are wilderness quality, but we recognize that we're not the only advocates out there.

As far as the mountain-biking demonstration projects, we think that is an interesting way of meeting a lot of divergent needs on this, and we look forward to working both with you and Senator Smith and the mountain-biking community to refine it in such a way that it meets all our interests.

Senator WYDEN. I may offer some additional questions in writing, but all four of you have been constructive. Mr. Spadaro, I want it understood we will work with you closely, because we want to make sure that this is a plus for the economy. I think the mayor would say, "Look, you do something like this, you're going to generate a lot of additional revenue." They're right at the foot of the mountain. I want each one of you to know that we will continue to work with you to try, with a delegation, to get a balanced bill. I thank you all for excellent testimony.

Thank you, Mr. Chairman.

Senator SMITH. Thank you, Senator.

And we thank all our panel. We appreciate it, and look forward to working with all of you on this bill.

Our next panel is Mr. John Hiatt, Red Rock Audubon Society, Las Vegas, Nevada; Ms. Ellen Pillard, Nevada Sierra Club; Ms. Patricia Mulroy, also of Las Vegas, Nevada; and Mr. Spencer Hafen, Lincoln County, Nevada.

If I can ask each of you—I have to preside over the Senate in 15 minutes—if I could get you each to do your testimony in 3 minutes, we will submit all of your testimony for the record, and we will submit questions, as well. If Senator Craig shows up here, then you can go back to the longer schedule, if you wish.

So why don't we start with Mr. Hiatt.

**STATEMENT OF JOHN HIATT, CONSERVATION CHAIRMAN,  
RED ROCK AUDUBON SOCIETY, LAS VEGAS, NV**

Mr. HIATT. Thank you, Senator Smith and Senator Wyden, members of the committee and staff, we would like to thank you for the opportunity to testify today.

My name is John Hiatt. I'm here today representing the Nevada Wilderness Coalition. On behalf of the Coalition, I would like to thank Senator Reid and Senator Ensign for their work that has gone into this legislation. Their process has been fair, and they've worked hard to listen to the concerns and recommendations from all interested parties.

As you know, S. 2532 is a complex omnibus public-lands bill dealing with diverse issues in Lincoln County, Nevada. Many conservation organizations have strongly held concerns regarding various titles of the bill. It is my hope that members of the subcommittee will carefully review testimony submitted for the record by these organizations regarding the potentially significant environmental impacts of the non-wilderness titles of the bill.

My written testimony will address mainly the wilderness title. Incredible lands of Lincoln County stretch from Mojave Desert to the Great Basin. Cacti and Joshua trees and the rare gila monster can be found in southern Lincoln County, while northern stretches of the county contain aspen forests and ancient bristle-cone pines. These diverse mountains and valleys support more than a thousands species of plants and animals. Numerous rock-art sites and ancient artifacts can be found scattered throughout the mountain ranges of the county. The unique wilderness values of these areas will make worthy additions to the national wilderness preservation system.

Although Lincoln County is very rural at this time, it is easy to overlook the current and potential threats to its wild character. For example, a major land development project known as Coyote Springs is slated to construct up to 100,000 residential units. In a county of four- to five-thousand residents, this type of development will dramatically increase pressures to the region and permanently impact the county's rural character.

Another very large and growing threat to the natural environmental of Lincoln County is irresponsible use of dirt bikes, all-terrain vehicles, and other off-road vehicles, most of which come from Las Vegas.

In order to address these threats and protect the wild character of this region, the Nevada Wilderness Coalition has been involved with wilderness discussions regarding eastern Nevada for more than two decades. In recent years, our coalition has met regularly with local officials, ranchers, off-road enthusiasts, and other interested stakeholders. For the last 3 years, we've been mapping and working to evaluate the wilderness sources in Lincoln County, and, as a result of that, have a citizens' proposal. The coalition believes that the BLM's wilderness inventories were rushed and contain numerous flaws. For examples, agency's 6-month intensive inventory required BLM personnel in Nevada to survey more than 88,000 acres per day, a windshield survey, at best.

The citizens' proposal enjoys broad support in Nevada. For example, 50 renowned scientists have recently written Nevada's congres-

sional delegation asking that they enact the citizens wilderness proposal for Nevada.

As you know, S. 2532 would designate 14 wilderness areas, all of which are under the purview of the Bureau of Land Management, totaling roughly 770,000 acres. The bill would release roughly 246,000 acres, including four entire BLM WSAs that would be released in their entirety. We feel that those areas, the released areas, have been treated as wilderness for the last 20 years, de facto wilderness. They are somehow viewed as not qualified. They were more than qualified under the BLM rules at the time, and still existing. And these areas are valuable. They should not be dismissed out-of-hand.

Additionally, we would like to see the Perennial Proposed Wilderness, a mosaic of canyons, peaks, ridge lines, and it contains very significant wildlife habitats and an array of archeologic resources, such as petroglyphs. This should be included. It is not. The Fish and Wildlife Service recommended wilderness designation in the Desert National Wildlife Range in 1973. We believe this recommended wilderness should be included in the bill. It is not.

On the subject of wilderness, I would like to quote my friend Jim Deacon, professor emeritus and UNLV, who said, "Whatever we do in terms of wilderness designation today, the future generations will look back and say it was too little."

I would like to briefly touch on the subject of utility corridors, because I think that is very important. The seemingly minor part of S. 2532 ultimately have a much greater impact on Lincoln County and eastern Nevada than any other portion of the bill. The purpose of utility corridors is to facilitate export of groundwater from Lincoln County to the metropolis of Las Vegas and Clark County. The near-term impact will very likely be the destruction of the agricultural community in Lincoln County. The approval of this title will create an instantaneous market, conversion of agricultural water rights to municipal water rights. The unintended social impacts of this part of the bill will greatly exceed the physical impacts. Neither Lincoln County nor any other rural county in Nevada has the financial resources to address the social and economic implications of the rural-to-urban water transfer that this legislation will facilitate.

The proposed allocation of 45 percent of the proceeds of public land sales to Lincoln County, as proposed in title 1 of the bill, will be too little, too late. Although never contemplated in the 1998 Southern Nevada Public Lands Management Act, use of funds from sale of land in Clark County to mitigate impacts on rural counties needs to be considered. After all, sale of public land in Clark County is the driving force for the need for water from Lincoln County.

The coalition believes that more flexibility in the location of utility corridors is needed, should a NEPA analysis determine impacts through important resources, such as cultural sites or sensitive species. In Nevada, a lack of objective and independent water information is a barrier for rural counties to effectively participate in the Nevada water adjudication process.

The Wilderness Coalition appreciates the inclusion of independent water study for White Pine County in the legislation, but we strongly believe the study should be expanded beyond White

Pine County to examine the aquifer underlying Lincoln, Clark, and Nye Counties, as well.

Thank you very much for the time to testify.

[The prepared statement of Mr. Hiatt follows:]

**PREPARED STATEMENT OF JOHN HIATT, CONSERVATION CHAIRMAN, RED ROCK AUDUBON SOCIETY, ON BEHALF OF THE NEVADA WILDERNESS COALITION**

Chairman Craig, Members of the Committee and staff, thank you for the opportunity to testify today. My name is John Hiatt. I am a volunteer for the Red Rock Audubon Society of Las Vegas holding the position of conservation Chairman. I am here today representing the Nevada Wilderness Coalition.

The Nevada Wilderness Coalition is made up of the Nevada Wilderness Project, Friends of Nevada Wilderness, The Wilderness Society, Toiyabe Chapter of the Sierra Club, Red Rock Audubon Society, Campaign for America's Wilderness and Nevada Outdoor Recreation Association. In addition some fifty Nevada businesses have signed letters supporting the efforts of the Coalition. Collectively our organizations represent more than 7,000 Nevadans including members in Lincoln County and nearly one million citizens across the country. The Toiyabe Chapter of the Sierra Club will be providing additional testimony.

On behalf of the Coalition, I would like to thank Senator Reid and Senator Ensign and their staff members for the hard work that has gone into this legislation. Their process has been fair, and they have worked hard to listen to the concerns and recommendations of all interested parties.

As you know, S. 2532 is a complex, omnibus public lands bill dealing with diverse issues in Lincoln County, Nevada. Many conservation organizations have strongly held concerns regarding various titles of the bill. It is my hope that Members of the Subcommittee will carefully review testimony submitted for the record by these organizations regarding the potentially significant environmental impacts of the non-Wilderness titles of the bill.

While I will briefly address each title of the bill, my primary expertise is in the Wilderness title of the legislation; therefore I will focus the majority of my testimony on that title.

**TITLE I—LAND SALES**

S. 2532 directs the auctions of two parcels (totaling approximately 13,341 acres). The two parcels, of roughly 6,355 acres and 6,986 acres would be auctioned within 75 days of the bill's enactment. As you may know, the sale of these lands, authorized by the Lincoln County Land Act of 2000, has been postponed pending the completion of an Environmental Impact Statement (EIS). We do not support Congressional action that trumps a Federal District Court's decision requiring the need for more environmental review of these lands. Additionally, we feel that if this land is going to be sold, allowing the land to be auctioned in smaller parcels would maximize the value to the taxpayer and allow many more citizens the opportunity to own land in Nevada.

S. 2532 authorizes the sale of up to 87,005 acres of federal land in areas adjacent to existing private property in Lincoln County. We understand that communities surrounded by public lands have limited ability to grow. The Nevada Wilderness Coalition does not oppose increased privatization of land in Lincoln County. However, the amount of public land slated for disposal under this bill is excessive. Much of the land identified for disposal appears to be for increased agricultural use rather than community expansion. With the water crisis facing Nevada and much of the West, facilitating the development of significantly more agricultural land in this arid region seems irresponsible. We find it ironic that Title III of this Bill, which is intended to facilitate export of water from Lincoln County to Clark County may foreclose future development options for that land, due to lack of water.

We are also concerned with the Crestline parcel identified for sale. Lincoln County's landfill sits on private land located in the center of this public parcel. It is being openly discussed that the purpose for the sale of surrounding public lands is to facilitate a huge West-wide regional dump, bringing garbage in from California, Utah, and Arizona. We strongly recommend that the Crestline parcel be removed from the bill.

The Secretary of Interior is authorized to withhold up to 10,000 acres identified for sale in this bill if such sale would be inconsistent with the protection of habitat and cultural resources. We support inclusion of this provision, however it should be enlarged to prevent the auction of any land that is inconsistent with the protection of habitat or cultural resources and not be capped at 10,000 acres.

The disposition of proceeds from these annual auctions would differ dramatically from the compromise crafted during the Southern Nevada Public Lands Management Act (SNPLMA). Most problematic is the 45% of the proceeds to Lincoln County slated for economic development. We strongly prefer an allocation that would provide more resources for Wilderness management, development and implementation of a Lincoln County Multi-Species Habitat Conservation Plan, and habitat protection.

The Nevada Wilderness Coalition has concerns about these lands potentially being sold at a deficit to the American taxpayer. The sale price of these lands should far exceed the administrative costs of preparing the lands for sale. If the sale price of these lands does not outweigh the administrative costs of preparing them for sale, the sale should not go forward.

#### TITLE II—WILDERNESS

##### *Lincoln County's Wild Landscape*

In order to present the Subcommittee with a better understanding of Nevada's wild landscape and the Wilderness potential that it contains, I would like to begin by providing some background information. The incredible public lands in Lincoln County stretch from the Mojave Desert to the sagebrush sea of the Great Basin. Barrel Cacti and Joshua trees can be found in southern Lincoln County, while the northern stretches of the County contain aspen forests and ancient bristlecone pine. These diverse mountains and valleys support more than 1,000 species of plants and animals, including desert tortoise, cougar, bighorn sheep, elk, mule deer, antelope, sage grouse, kit fox, bats, rare fish and a variety of songbirds and raptors.

Numerous rock art sites and ancient artifacts can be found scattered throughout the County. While Nevada contains large amounts of wilderness-quality land, the Wilderness areas proposed in this bill contain wilderness values that are unique to Nevada and the West. These values are not currently represented in the National Wilderness Preservation System.

##### *Threats to Lincoln County's Wilderness Quality Land*

Although Lincoln County is very rural at this time, it is easy to overlook the current and potential threats to its wild character.

In the coming years, a major land development project known as Coyote Springs is slated to construct up to 185,000 residential homes and as many as ten golf courses. Coyote Springs, which straddles the Lincoln and Clark County boundary, is located in the heart of some of the wildest country in the region. The influx of tens of thousands of people combined with the requisite associated infrastructure will dramatically increase pressures on the open spaces of the region. In the absence of Wilderness protection for lands in proximity to Coyote Springs, neither the Bureau of Land Management nor the U.S. Fish and Wildlife Service has the resources to meet the anticipated challenges and environmental degradation that explosive population growth will inevitably bring about in this area.

Another very large and growing threat to the natural environment of Lincoln County is the irresponsible use of dirt bikes, ATVs, and other off-road vehicles. While many dirt bike and off-road vehicle users make an effort to stay on existing trails, there are hundreds of instances where users have destroyed, damaged and fragmented habitat and cultural sites with irresponsible use. Attempts at public education have helped somewhat, however, the ultimate solution lies in legislated Wilderness with visible and enforceable boundaries, thereby protecting wild areas from this increasing threat.

##### *Nevada Wilderness Coalition's Involvement in Lincoln County*

For many years, the Nevada Wilderness Coalition has been involved with wilderness discussions regarding Eastern Nevada. Members of our coalition participated in the original Bureau of Land Management wilderness studies in Lincoln County.

In recent years, our coalition has met with local elected officials, ranchers, off-road enthusiasts, and other interested stakeholders on numerous occasions. We have also participated in field trips to the region with staff from the Nevada Congressional delegation, the Bureau of Land Management, staff from the House of Representatives Subcommittee on National Parks, Recreation and Public Lands, local officials and other interested citizens.

We have participated as members of the Technical Review Team (TRT) created by the Lincoln County Coordinated Resources Management (CRM) Steering Committee, formed to bring concerned stakeholders together to discuss issues involving wilderness designation.

*Citizens' Wilderness Proposal*

The Nevada Wilderness Coalition believes that the Bureau of Land Management's wilderness inventories of the late 1970's were faulty for numerous reasons. We have been working since that time to provide more accurate inventories of wilderness quality lands in Nevada.

In 1979, during its eight-month Initial Wilderness Inventory, the Nevada Bureau of Land Management used "existing information" and "inventoried" roughly 49 million acres and immediately dropped 32.9 million acres from further consideration. This was a rushed process by any measure. The public was then given only 90 days to comment on the decision.

The Bureau of Land Management then spent six months on "intensive" on-the-ground surveys of the remaining 16.1 million acres. Assuming they worked seven days a week, this "intensive" inventory required Bureau of Land Management personnel to survey 88,462 acres per day. After this intensive survey, which was cursory at best, the agency dropped 11.1 million acres from further consideration. Once again, the public was given only 90 days to comment on the decision.

Using the latest technology and mapping methods, as well as modern science, the Nevada Wilderness Coalition is working to protect all Wilderness quality public land remaining in the State. As part of that effort, the Coalition developed a comprehensive proposal for Wilderness in Eastern Nevada.

Because potential wilderness areas and the wildlife found within them regularly straddle administrative boundaries, the Coalition believes in creating Wilderness proposals based on ecological rather than administrative boundaries (i.e. county lines). Our Citizens' Wilderness Proposal for Lincoln County recommended Wilderness designation for over 2.5 million acres of public land within the Mojave Desert and Great Basin regions of Lincoln County.

The process of creating a Citizens' Wilderness Proposal for Eastern Nevada involved conducting updated field inventories as well as researching current data provided by federal land managers, state offices, local citizens, and local governments. The field inventory process involved sending paid and volunteer field crews out to Eastern Nevada to photo document man-made impacts on the land and mark precise locations on a topographic map using global positioning system (GPS) data. To date, the field inventory process has yielded over 1,000 photos taken during the fall and winter of 2000 and again during the fall, winter and spring of 2002-2003. The field inventory information was then compared with existing data from other sources in an effort to minimize potential conflicts with other uses of the proposed Wilderness areas and to respond to agency information and rationale that the Coalition felt was outdated and/or contradictory. Finally, based on updated fieldwork and additional research, Wilderness proposal area boundaries were delineated and descriptions and Wilderness rationale were documented.

The Citizen's Proposal for Wilderness in Lincoln County includes a portion of the U.S. Fish and Wildlife Service-managed Desert National Wildlife Range and corresponds to the agency's Wilderness recommendations submitted to Congress in 1973. The Citizen's Proposal also includes all of the Bureau of Land Management managed Wilderness Study Areas (WSA) in the county. The Coalition advocates for the protection of entire WSAs, whether recommended or non-recommended by the BLM. Based on field inventories and extensive research, the Coalition asserts that each of these WSAs qualify as Wilderness and merits protection as such. In addition to the WSAs, the Coalition has included Bureau of Land Management-managed lands that were not given WSA status by the agency following its Intensive Wilderness Inventory of the 1979-1980. The Coalition has conducted updated field inventories of many non-WSA public lands within the last several years and has determined that many do qualify for Wilderness based on the criteria of the Wilderness Act. Many of these areas recommended for Wilderness designation in our Citizens' Proposal were originally dismissed by the BLM from further Wilderness study based on flawed criteria and rationale, which essentially resulted in the dismissal of significant wild desert landscapes throughout Nevada.

The Citizens' Wilderness Proposal enjoys broad support in Nevada. Polls conducted by independent pollster Mason-Dixon Research confirm strong backing from Nevadans for major additions to the National Wilderness Preservation System in the state. Fifty renowned scientists have recently written Nevada's congressional delegation asking that they enact the Citizens' Wilderness Proposal for Eastern Nevada. Nearly fifty Nevada-based business owners have also recently written to the delegation to express appreciation for their work to designate Wilderness in eastern Nevada, and to urge their support for designating key areas in the Pahranagat Range as Wilderness.

*Wilderness designations under S. 2532*

The Nevada Wilderness Coalition is grateful that the Nevada Congressional delegation is addressing Wilderness designation in Lincoln County. We appreciate their willingness to consider Wilderness recommendations from our Citizens' Wilderness Proposal.

As you know, S. 2532 would designate 14 Wilderness areas, all of which are under the purview of the Bureau of Land Management, totaling roughly 770,000 acres. The bill would release roughly 246,000 acres from WSA status, including four Bureau of Land Management WSAs that are released in their entirety.

Although it falls short of our expectations, S. 2532 would protect a significant amount of wilderness and make important additions to the National Wilderness Preservation System.

Some highlights of the areas and resources that would receive Wilderness protection under S. 2532 include:

- Designations within the Mormon, Meadow Valley, Delamar and Clover Mountains WSAs. These four areas total about 476,000 acres. The "Big Four" and the nearby Desert National Wildlife Range comprise an extensive block of relatively intact wild landscapes.
- The lofty limestone cliffs and the beautiful Whipple Cave of the Far South Egans.
- The dramatic Leviathan Cave and bristlecone pines found in the Worthington Mountains.
- Colorful volcanic tuff formations, and important riparian areas, in the Fortification Range.
- Large ponderosa pine forests in the Weepah Spring area and Clover Mountains.
- Dramatic stands of quaking aspen and Douglas fir in Parsnip Peak.
- Important wildlife habitat throughout these areas, for many wildlife species including desert tortoise, elk, deer, bighorn sheep, goshawks, golden eagles and many species of migrating raptors.

The bill also includes two Citizen-proposed areas: the stunning Big Rocks Wilderness, a popular recreation area; and the Mt. Irish Wilderness, with its rich archeological resources. These Citizen-proposed areas were missed by the BLM during their inventory and never became WSAs.

*Nevada Wilderness Coalition Concerns Regarding the Wilderness Title of S. 2532*

Although the Coalition is very appreciative of the wilderness designated under S. 2532, we have some important concerns regarding this title. First, and foremost, we are troubled by the very large amount of land that is "released" from Wilderness Study Area status. The lands contained in these WSAs have been managed to protect their wilderness values for more than 20 years. Releasing these lands to potential development is a step backwards for conservation in Lincoln County. Many of the areas released from WSA status have no compelling rationale for their release.

Of special concern are 80,000 acres identified for release within the Parsnip Peak and Table Mountain WSAs. All of Table Mountain WSA and a substantial portion of Parsnip Peak are to be released from WSA status under S. 2532. While the Nevada Wilderness Coalition believes that boundary modifications can be accommodated in these areas, it seems heavy handed to release so much acreage within a relatively small geographic area. It is also troubling that the amount of land designated as Wilderness in Parsnip Peak is less even than the amount of land that the BLM recommended.

Several of the released portions of the southernmost WSAs are lower elevation areas that provide important habitat for the federally threatened Desert Tortoise and other imperiled species. We urge that these areas be designated as Wilderness.

There are many deserving areas that do not receive protection under S. 2532. We have provided detailed information on additional areas worthy of Wilderness designation in our Citizens' Wilderness Proposal. The areas not designated as Wilderness under this legislation that are most troubling to the Nevada Wilderness Coalition include the Pahranagat Range, and Wilderness-quality land within the Desert National Wildlife Range.

The Desert Hills-Pahranagat Proposed Wilderness is a mosaic of canyons, peaks and ridgelines. It contains sensitive wildlife habitats and an array of archeological resources including the incredible petroglyphs in the area known as the "Shooting Gallery." Wilderness designation for the area, will guarantee long-term protection to the area's rich Native American history.

We feel strongly that S. 2532 should designate Wilderness within the Desert National Wildlife Range. The U.S. Fish and Wildlife Service recommended Wilderness designation in the Range in 1973. Congress did not enact these recommendations

under the Clark County public lands bill of 2002. Wilderness designations within the Desert National Wildlife Range are clearly within the scope of this legislation and should be addressed at this time.

The Coalition feels that Wilderness designations depicted on the map accompanying S. 2532 contain too many "cherrystems." We recognize the occasional value of "cherrystems" to allow for wilderness boundaries to be brought to lower elevations and the access that they provide to wilderness areas. However, the abundance of and length of "cherrystems" in Wilderness areas designated under S. 2532 are problematic. "Cherrystems" create management problems for managing agencies. They also fragment wildlife habitat, damage springs, increase the likelihood of vandalism to cultural resource sites and spread invasive plants.

Numerous cherrystems go directly to springs or developed water sources (guzzlers). In order to protect and lessen harassment and impacts to wildlife, cherrystems should be pulled back at least 0.5 to 1 mile from the water sources. Examples include Horse Springs in the Mormon Mountains, Riprap Springs and Lake Springs in the White Rock Range.

Sec. 203 (b) of S. 2532 defines the boundary of the wilderness area along roads as a 100-foot setback from the edge of the road. We suggest that the boundary setback be consistent with the traditional boundaries used by Congress of a 300-foot setback from the centerline of a paved highway, a 100-foot setback from the centerline of a major dirt road, and a 30-foot setback from the centerline of a low standard dirt road / jeep trail.

The Coalition believes that the wildlife management language for Wilderness in the bill is overly broad. Habitat modification in Wilderness areas is generally inappropriate. However, in some instances, habitat modification in Wilderness may be necessary to maintain wilderness character. Specifically, certain management activities may be necessary to restore wildlife populations, or to restore a more natural vegetative regime that has been suppressed by human-caused actions. We believe that the construction of new "guzzlers" should be prioritized outside of Wilderness areas.

The Nevada Wilderness Coalition believes that language should be added to the Wilderness title of S. 2532 reserving federal water rights for Wilderness areas designated by the bill. Furthermore, we hope that the Subcommittee will address the potential impacts to springs and other water resources within Wilderness Areas from potential drawdowns of contiguous aquifers outside of the Wilderness Areas.

### TITLE III—UTILITY CORRIDORS

The environmental community is united in its opposition to the inclusion of utility corridors and legislative issuance of water pipeline rights-of-way under S. 2532. Several other conservation organizations have submitted detailed testimony on this title, and we respectfully ask that the Subcommittee carefully review the concerns that they have raised.

This seemingly minor part of S. 2532 will ultimately have a much greater impact on Lincoln County and Eastern Nevada than any other portion of the bill. The purpose of the utility corridor is to facilitate export of groundwater from Lincoln County to the metropolis of Las Vegas. The near-term impact will very likely be the destruction of the agricultural community in Lincoln County. The approval of this Title of S. 2532 will create an instantaneous market for conversion of agricultural water rights to municipal water rights, with a commensurate increase in value (price). The unintended social impacts of this part of S. 2532 will greatly exceed the physical impacts for at least 10-20 years.

Neither Lincoln County nor any other rural Nevada county has the financial resources to address the social and economic implications of the rural to urban water transfer that this legislation will facilitate. The proposed allocation of 45% of the proceeds of public land sales to Lincoln County as proposed in Title I will be too little, too late. Although never contemplated in the 1998 Southern Nevada Public Lands Management Act (SNPLMA) use of some funds from sale of public land in Clark County to mitigate impacts on rural counties should be considered. Sale of public land in Clark County is the driving force behind the need for pipelines to bring Lincoln County water south to Las Vegas.

We believe that the NEPA process should be used as a means to evaluate the other options available to Las Vegas to help meet the regions growing water needs and address drought. Water conservation measures must be explored in greater depth and implemented before rural water development moves forward.

The Coalition believes that more flexibility in the location of utility corridors is needed should a NEPA analysis determine impacts to important resources such as cultural sites or sensitive species.

In Nevada, a lack of objective and independent water information is a barrier for rural counties to effectively participate in the Nevada water adjudication process.

The Nevada Wilderness Coalition appreciates the inclusion of an independent water study for White Pine County in the legislation. We strongly believe that the study should be expanded beyond White Pine County to examine the regional aquifer underlying Lincoln, Clark, and Nye counties as well. Furthermore, the study should examine potential impacts on wildlife, conservation units and ranching from water pumping and drawdowns. The study should not be limited to examining the quantity of water in White Pine County only.

Given that Nevada is the driest state in the nation, critical examination and understanding of the ground water aquifer is essential prior to making long-term commitments to provide water to urban populations.

#### TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

The Nevada Wilderness Coalition supports designated routes for off-road vehicle travel on Bureau of Land Management lands. We believe that the resource management plan and activity planning process provides the agency and the public the best opportunity to study and determine ecological, aesthetic, historic, cultural, economic, social, or health impacts due to recreational off-road vehicle use on public lands.

Our strong preference is to require a plan before designating a route and to allow land managers the necessary flexibility after the plan is finalized to manage the route to protect other visitors, wildlife, and natural resources as President Nixon urged in his 1972 Executive Order. By designating a specific, predetermined route, this legislation restricts the public's ability to participate in the route selection and excludes consideration of the cumulative effects. We urge you to include a provision that requires the agency consider public input and cumulative effects at the very outset.

We believe the agency must complete a NEPA process that engages the public, scientific community including wildlife biologists, and all recreationists and visitors who enjoy the area as well as determine present and future cumulative impacts to the area.

In his 1972 Executive Order—still in place today—President Nixon recognized the critical importance of regular and careful monitoring of off road vehicle use and enforcement of off road vehicle regulations and mandated that land management agencies must monitor the effect of off-road vehicles on land under their jurisdiction. Therefore, we strongly recommend BLM provide a regular (no less than every three years) monitoring report to Congress.

The Coalition believes the proposed route as shown on the map of record does not adequately address wildlife impacts. In our discussions with the Nevada Division of Wildlife, it has become clear that the proposed route traverses important mule deer migration routes and could have an impact on springs, especially along the northeast portion of the route. We urge Senators Reid and Ensign to work with Bureau of Land Management staff to provide alternatives to avoid these important wildlife migration routes.

The Coalition feels that language should be added to this title that makes clear that the trail can be used for “touring” but will not be open to competitive events, “play areas,” or race behavior.

For the Silver State Trail to be designated and properly managed, BLM must be provided the financial resources to adequately educate the public about the route through maps, signage, and other information tools to keep users on the route. The Coalition appreciates the inclusion of legislative language in this title requiring signage along the route.

In addition, adequate monitoring and enforcement provisions must be in place to enforce management decisions and protection of the area. Currently the Ely Field Office of the BLM does not have enough resources to adequately carry this out. For example, the Ely BLM office has one law enforcement officer for 12 million acres of public land. Therefore, Congress must provide adequate funding for management, monitoring and enforcement of the route.

#### TITLE V—STATE AND COUNTY PARK CONVEYANCES

S. 2532 identifies 14,330 acres of BLM managed public lands to be conveyed to Lincoln County for the conservation of natural resources or public parks. Although we do not object to Lincoln County managing open space or parks we have questions about the parcels they have selected. Lincoln County might have more flexibility by selecting land for parks through the Recreation and Public Purposes Act rather than this legislation.

We also understand the desire of the State of Nevada to expand some of their state parks. We are concerned that there is barely money available to manage the state parks currently in the state park system. We hope that the State will make more funding available to cover the management costs if the Cathedral Gorge, Beaver Dam and Kershaw Ryan state parks are expanded.

#### TITLE VI—TRANSFERS OF JURISDICTION

The purpose of this title is to facilitate the movement of a utility corridor from the east side to the west side of Highway 93.

The Nevada Wilderness Coalition is generally supportive of consolidating utility rights-of-way to reduce the environmental impacts of separate parallel rights-of-way. That being said, we have been on record for several years opposing the proposed massive development in the Coyote Springs Valley. We are concerned that moving the right-of-way to the west side of highway 93 will lead to an even larger development in Coyote Springs than initially proposed.

There are major uncertainties regarding the impacts that this proposed development would have on the limited water resources in the region. Development of the Coyote Springs project will intensify pressures on the land resulting from tens of thousands of people moving into what is now a wild, undeveloped valley. We ask that Congress not facilitate the construction of this ill-conceived development by enacting this title. We remain hopeful that this land will be returned to public ownership using SNPLMA funds.

**Senator SMITH.** I have a problem. I can't stay here any longer. If you would like—we're trying to get Senator Craig back down here. We hope he will be here momentarily. And so if—I don't have any alternative, without getting in trouble by shutting down the Senate, to recess the meeting and then restart it very briefly. Do you have a comment or a question, Ms. Mulroy?

**Ms. MULROY.** Mr. Chairman, I would just like to say I'll stand on my written testimony. I don't need to say anything at this point.

[The prepared statement of Ms. Mulroy follows:]

#### PREPARED STATEMENT OF PATRICIA MULROY, GENERAL MANAGER, SOUTHERN NEVADA WATER AUTHORITY

##### SUMMARY

Mr. Chairman and members of the Subcommittee, thank you for the invitation to testify in support of this bill that is so vitally important to Southern Nevada. I appreciate the efforts of Senator Harry Reid and Senator John Ensign along with Nevada's House delegation Rep. Jim Gibbons, Rep. Shelley Berkley and Rep. Jon Porter for introducing this bill. The five-year drought affecting the Colorado River Basin is an unprecedented challenge for Southern Nevada. As early as January 2005, and undoubtedly by January 2006, the continued lowering of Lake Mead will trigger a "normal" operating condition on the river. This means that the Lower Basin states of California, Arizona and Nevada will be restricted to basic allocations under the Colorado River Compact and that planned resources such as interim surplus water will not be available. Nevada will only have access to 300,000 acre-feet of water per year, already the smallest water allocation of the seven states using the Colorado River, at a time when its communities in Clark County continue to lead the nation in growth, attracting thousands of new residents each month. A "normal" operating condition will also result in a formal drought emergency within the Las Vegas metropolitan area, home to over 1.6 million people.

If the drought persists and reservoir levels on the Colorado River continue to decline, further restrictions on Lower Basin use of Colorado River water are possible. To protect Nevada from worsening conditions on the river, and to insulate Southern Nevada from similar drought conditions in the future, the Southern Nevada Water Authority (SNWA) is taking steps to develop key elements of its long-term Water Resource Plan ahead of schedule. This includes accelerated development of in-state water resource projects in northern Clark, Lincoln and White Pine counties. Given the drought's effects to date, Southern Nevada may need a portion of these proposed in-state water resources as early as 2007.

The proposed development of these in-state resources is intended to diversify the region's water supply, provide a supplement to Nevada's small 300,000 acre foot Colorado River water entitlement for additional supplies to meet future water demands.

To develop its projects, the SNWA will have to meet the requirements of the Federal Land Policy and Management Act, National Environmental Policy Act, Endangered Species Act, and other applicable regulations. It will also need to complete the water permitting process required under the Nevada Revised Statutes, which have some of the most comprehensive water laws in the West.

The Lincoln County Conservation, Recreation and Development Act of 2004 (S. 2532) will help to expedite a solution to Southern Nevada's current water situation without compromising public involvement and environmental compliance. It designates utility corridors for possible development of groundwater resources in eastern Nevada and allows environmental reviews for the utility corridors and rights-of-way to occur simultaneously. Given the bill's designation of Wilderness Areas in Lincoln County, establishing utility corridors at this stage is critical to ensuring that the SNWA can pursue critical resource development outcomes upon which its future water planning decisions depend.

To this end, the SNWA strongly supports passage of S. 2532 with two recommended changes. First, we ask that Section 211 be amended to allow the installation of high-altitude precipitation gages within the Wilderness Areas identified by the bill. These gages are needed to collect hydrologic data for studies of the groundwater basins of interest. Specific language for this recommended amendment is provided on Page 9 of this testimony. Second, we believe that the maps which depict where the rights of way corridors are to be located are in error along highways 93 and 95. We will be happy to work with the Subcommittee to address this mapping concern.

#### BACKGROUND INFORMATION

For the past 20 years, Southern Nevada has been one of the fastest growing areas in the country. In response, the Southern Nevada Water Authority (SNWA) was formed in 1991 to coordinate regional water supply issues, promote conservation, acquire additional water resources and develop the treatment and transmission facilities needed to deliver water to the local community. The member agencies of the SNWA are the cities of Boulder City, Henderson, Las Vegas, and North Las Vegas; the Big Bend Water District; the Clark County Water Reclamation District; and the Las Vegas Valley Water District. The combined service areas for these agencies cover the greater metropolitan Las Vegas Valley, Laughlin and most of unincorporated Clark County.

Southern Nevada attracts over 35 million visitors a year and approximately 6,000 new residents each month. For the past 10 years, annual population growth in the Las Vegas Valley has averaged 5.6 percent, with total population increasing by almost 72 percent between 1993 and 2003. Clark County is the second largest county in the contiguous United States, with a population of 1,641,529 residents as of July 2003. Growth is expected to continue at a rate of about 4.5 to 5 percent per year for the next several years, translating into additional water demands that will, in turn, continue to impact the area's local and regional water systems.

To meet the water demands for this community, the SNWA takes a portfolio approach to water resource planning, recognizing that supplies and demand are dependent on conditions that may change in unpredictable ways. The portfolio approach emphasizes the development of diverse water resources to offset the risks typically associated with any single resource option. Current and potential resources identified in the SNWA Water Resource Plan include a combination of Colorado River water resources and in-state water resources; specifically, Nevada's basic apportionment of Colorado River water; return-flow credits; interim surplus Colorado River water; unused Nevada apportionments; banked water in Arizona and the Las Vegas Valley; Las Vegas Valley groundwater rights; Las Vegas Valley shallow groundwater; Muddy River surface water rights; Virgin River surface water rights; groundwater rights and applications in Clark, Lincoln, Nye, and White Pine counties; and reclaimed non-Colorado River water, among others.

The SNWA and Nevada Colorado River Commission have been very successful in efforts to maximize Southern Nevada's use of the Colorado River. These efforts include an off-stream storage agreement with the State of Arizona, which has yielded 110,000 acre-feet in storage credits for Nevada's future use, as well as support of Interim Surplus Guidelines in the Lower Colorado River Basin. The interim surplus concept allows Nevada and California to access additional Colorado River water, when available, until 2016. Unfortunately, due to the severity of the drought, these interim surplus resources cannot be depended upon.

At the same time, Southern Nevada continues to stress conservation within the region, recognizing that increasingly efficient water use will have a direct impact on the amount of tangible water resources both needed and available in the future.

This is being accomplished through one of the most aggressive water conservation programs in the western United States, including a rebate program that offers \$1 per square foot to convert decorative lawns to xeric landscapes (now believed to be the largest urban conservation incentive program in the world). To date, the program has converted 33 million square feet of landscape at a cost of over \$30 million, and is estimated to have reduced annual water demand by more than 1.8 billion gallons.

However, the success of Southern Nevada's conservation program also leads to more inflexibility in customer demands. Because Southern Nevada does not have a significant agricultural base that can be utilized to augment municipal supplies during times of drought, the more efficient Southern Nevada becomes in its use of water the less flexibility it has to meet crises such as the current drought. Thus, the necessity of developing further diverse water supplies to protect against future droughts is of primary importance to the SNWA and its customers.

For the past decade, Colorado River water and conservation have been the most cost-effective options to meet water demands in Southern Nevada. As part of its resource planning, the SNWA recognized that continued development of additional water resources would be necessary. Until recently, however, it was projected that these additional water resources would not be needed until 2016 or later. More short-term supplies such as banked groundwater and interim surplus, along with conservation, would be sufficient until Southern Nevada could develop other long-term resources in its portfolio. Unfortunately, the recent drought in the western United States has altered this picture significantly.

#### THE DROUGHT

The Colorado River Basin is currently experiencing its worst drought in at least 100 years. Since 1999, the Basin has received only half of its average water inflows. In 2002, the most damaging year to date, the Basin received only 25% of normal runoff. As a result, Lake Mead and Lake Powell the two principal reservoirs in the Colorado River system, representing over 50 million acre-feet of capacity are now at less than 50% of their combined capacity. In other words, the river system has effectively lost one of its two major reservoirs. Lake Mead water levels have dropped by 95 feet and those declines are expected to continue, barring any additional action.

As outlined in the Colorado River Interim Surplus Guidelines (Record of Decision, January 2001), the availability of interim surplus water is tied to Lake Mead water levels. Given conditions impacting those water levels today, it is unlikely that interim surplus water will be available to Nevada in 2005, and certainly not by 2006. While it remains unclear how long the drought in the Colorado River Basin will last, it is fair to conclude that interim surplus water will not be available for the foreseeable future beyond that. This has direct implications for the timing and development of additional long-term water resources in the SNWA water resource portfolio, particularly in-state groundwater supplies in Clark, Lincoln and White Pine counties and surface water supplies from the Virgin and Muddy Rivers.

Because of the drought, Southern Nevada needs to diversify its water supplies sooner rather than later. This means reducing the degree to which the area depends on the Colorado River in all its forms and developing additional water supplies that are long-term, reliable and not influenced by conditions in the Colorado River Basin. The SNWA Water Resource Plan provides for such diversification, principally through a variety of water resource options that involve in-state, non-Colorado River water, including groundwater in Clark, Lincoln, and White Pine counties and surface water from the Virgin and Muddy Rivers.

#### IN-STATE WATER RESOURCES

Throughout our negotiations with our sister Colorado River basin states, one question always comes up; when is Nevada going to develop its in-state resources to replace the interim supplies provided from the Colorado? Within Nevada, the non-Colorado River water resources that are potentially available to the SNWA include groundwater in the Three Lakes Valley, surface water from the Muddy and Virgin rivers, and groundwater in several valleys in northern Clark, Lincoln and White Pine counties. These resources are covered by existing water rights or pending applications held by the SNWA. The applications, in turn, had their origin with the Las Vegas Valley Water District, the largest municipal water purveyor in Nevada.

In 1989, the District filed 147 applications for groundwater rights in 30 different valleys within central and eastern Nevada. The District also filed for one surface water right within the same general area. The 1991 Cooperative Agreement that

created the SNWA specified that one of the conferred functions of the agency was to “acquire the rights of [the District] under applications filed with the Nevada State Engineer to appropriate surface and groundwater in northern Clark, Lincoln, Nye and White Pine Counties; to perfect any or all of such applications as may be appropriate; and to develop and implement the Cooperative Water Project initiated by [the District], or any other project, for the use of such water in Clark County” (Southern Nevada Water Authority, 1991, p. 10, Article 5.b).

After the SNWA was formed in 1991, steps were taken to incorporate the District's potential in-state resources into the SNWA Water Resource Plan. The SNWA and District also worked with affected counties and other rural interests to negotiate equitable water-sharing arrangements that will apply if or when certain in-state resources are ever developed. For example, the SNWA and District entered into a comprehensive agreement with Lincoln County to determine the future disposition of pending District groundwater applications within that county's boundaries. The result of that agreement was the assignment of 25 applications to Lincoln County for its own use.

A summary of these agreements is provided in Attachment 1.\* The agreements illustrate the level of commitment that SNWA has to rural communities in Nevada. As steps are taken to develop in-state resources, the agency will work closely with these communities and other stakeholders to ensure the surrounding environment is protected and rural ways of life preserved. The SNWA will also structure its proposed projects in ways that allow the communities of origin to have access to water supplies adequate to meet their short and long-term needs, while providing for the demands and operational needs of Southern Nevada at the same time.

Since the District filed its original water applications for in-state resources in 1989, 27 have been voluntarily withdrawn and 25 have been reassigned or committed to rural parties. This is further evidence that Southern Nevada has taken conscious steps to retain only those applications deemed absolutely necessary to meet projected long-term water demands, while allowing for prospective fluctuations or limitations in pumping due to environmental or operational considerations.

#### S. 2532

Development of its proposed in-state water resources will provide Southern Nevada with a long-term, reliable water supply that can meet near-term demands in the absence of interim surplus water, supplement existing Colorado River water supplies in times of drought, and meet projected increases to overall regional water demands in the future. Accessing this water will require several different projects and a significant commitment of time and effort by the SNWA, particularly given the need to accelerate timelines to accommodate the challenges created by the drought. The Lincoln County Conservation, Recreation and Development Act of 2004 (S. 2532) is a critical step to achieving this goal.

In February 2004, the SNWA Board of Directors approved a concepts document that addressed general considerations for the development of in-state resources, including conceptual facility planning, project phasing, stakeholder interests and environmental protection (Southern Nevada Water Authority, 2004). That document outlined the need for three separate projects over time: the Three Lakes Valley Groundwater Development Project; Virgin River/Muddy River Surface Water Development Project; and Clark, Lincoln and White Pine Counties Groundwater Development Project.

By designating utility corridors within Lincoln County for future SNWA water pipelines and allowing the environmental reviews for these utility corridors and rights-of-way to occur simultaneously, S. 2532 will allow the SNWA to concentrate its staff and resources on the extensive technical and environmental work required for two of its proposed in-state water projects (Three Lakes Valley Project and Clark, Lincoln and White Pine Counties Project). Furthermore, since the majority of S. 2532 is devoted to the designation of Wilderness Areas in Lincoln County, the establishment of utility corridors at this stage ensures that the designation of the Wilderness Areas does not prevent the people of Lincoln and Clark counties from receiving basic utility services.

Based upon the SNWA applications on file with the Nevada Division of Water Resources, the utility corridors designated by S. 2532 could potentially provide Southern Nevada with access of up to 200,000 acre-feet of water per year. In conjunction with the SNWA water conservation program and the Las Vegas Valley's increasing reuse capability, these in-state resources could help reduce the region's dependency on Colorado River water by approximately one-third (from its current level of 90%

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\*The attachments have been retained in subcommittee files.

of the regional water supply to about 60%). This will result in a more balanced supply of surface water and groundwater, allowing the SNWA greater operational flexibility during times of drought.

S. 2532 does not eliminate any important environmental requirements for the SNWA. The SNWA intends to comply with the provisions of the National Environmental Policy Act of 1969 (NEPA); the Endangered Species Act (ESA) of 1973; the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997; the Federal Land Policy & Management Act of 1976; and other applicable statutory requirements.

In addition to any federal requirements, the SNWA will be required to comply with Nevada's comprehensive water-rights applications process. This process, which is controlled by the Nevada Division of Water Resources, Office of the State Engineer, pursuant to applicable laws in Chapters 533 and 534 of the Nevada Revised Statutes, helps ensure that the public interest is protected when the waters of the state are appropriated for any reason. It does this by determining whether the water supplies proposed for development are available to serve the public on a sustainable basis; this is often achieved through extensive monitoring or other requirements.

#### ENVIRONMENTAL COMMITMENT

The SNWA has long embraced sustainable water resource development and is committed to seeking solutions that are protective of sensitive environmental resources. To this end, the SNWA routinely participates in research and conservation efforts that are not tied to any project-specific compliance requirements. In the arena of regional environmental planning, the SNWA has participated in the development of the Clark County Multi-Species Habitat Conservation Plan since its inception, including the Springs Work Group, Muddy River Work Group, Low Elevation Plants Work Group and the Planning Work Group. The agency also has contributed to environmental initiatives including, but not limited to, the Southeastern Lincoln County Multiple Species Habitat Conservation Plan and Virgin River Habitat Conservation Program. In addition, the SNWA has worked closely with federal and state fishery managers to support many fish recovery teams, including those created for federally listed fishes in Pahrwanagat Valley, Meadow Valley Wash, Devil's Hole, White River, Railroad Valley, Muddy River and Virgin River.

On a broader level, the SNWA is actively involved in the Lower Colorado River Multi-Species Conservation Program, including membership on the biological, program, compliance and adaptive management subcommittees. The SNWA has worked on issues related to the Colorado River Delta in Mexico and the Salton Sea, and participates in the Upper Colorado River Endangered Fish Recovery Program and Glen Canyon Adaptive Management Program, among others.

The SNWA is progressive in the arena of environmental policy. In relation to local, regional, national and international issues, SNWA proactively advocates environmentally responsible practices on issues ranging from Endangered Species Act Committee initiatives to Colorado River Committee initiatives through its presence on the Western Urban Water Coalition. Like many agencies, the SNWA prepares and submits written comments on draft and final environmental and resource planning documents and comments on Environmental Impact Statements.

Field research efforts include studies of the razorback sucker in Lake Mead, Virgin River fish research, sensitive and listed birds along the Virgin and Muddy Rivers, assisting federal and state agencies on research such as Moapa dace surveys and integrating biological efforts with hydrological studies related to spring snails and other biological indicators.

The SNWA has invested substantial funding and thousands of staff hours in programs and activities directly related to environmental protection. The agency has funded more than \$3 million of research related to federally endangered fish and nearly \$1 million in research related to federally listed or sensitive bird species such as the southwestern willow flycatcher, Yuma clapper rail and yellow-billed cuckoo. Much of this research was not required by law or for project compliance, but was performed because it is central to the agency's environmental ethic. SNWA biologists support Nevada Department of Wildlife programs to conduct annual fish surveys and implement recovery actions such as augmenting wild populations by introducing hatchery-reared endangered fish, eradicating competing non-native species and constructing fish barriers. The agency is equally committed to water quality and habitat protection. This is evidenced by development and implementation of the Las Vegas Wash Comprehensive Adaptive Management Plan, a multi-agency watershed management program coordinated by the SNWA that has garnered recognition

by the Environmental Protection Agency and serves as a model for other communities.

#### NO OWENS VALLEY

The SNWA recognizes that its proposed in-state water resource projects are of great interest to a wide range of stakeholders, including ranchers, rural community leaders, non-governmental environmental organizations and federal agencies with environmental missions. Some of these interested parties have expressed concern over potential impacts of proposed groundwater pumping activities asserting that pumping will draw down the water table, leading to another "Owens Valley."

The City of Los Angeles carried out its surface water exportation project from the Owens Valley in California a century ago, in an era before the enactment of laws such as NEPA and ESA to protect the environment and ensure public participation. Today, Nevada water law is one of the most comprehensive in the West. The amount of groundwater ultimately permitted for development will not be determined by the SNWA, but rather by the Nevada Division of Water Resources, Office of the State Engineer. This office serves as the steward of Nevada's water resources, balancing the needs of water right holders, the environment and the public interest.

Nevada law provides that as part of the water rights decision-making process, the Nevada State Engineer must take into account whether an interbasin transfer is both environmentally sound and/or will unduly limit the future growth and development of a basin from which water is proposed to be exported. Given the myriad federal and state protections that exist today, it would be impossible for any public or private entity to effectuate a water export project in Nevada in a manner like Owens Valley. Between state water law and applicable environmental regulations, there is ample oversight to ensure that Southern Nevada's future water supplies do not come at the expense of other groundwater users or the environment. An "Owens Valley" cannot and will not occur in Nevada.

#### PRESERVING ENVIRONMENTAL RESOURCES

The environmental community is especially focused on the potential implications of groundwater diversions for the habitat of federally listed fishes and other sensitive species. Having worked diligently to support research and conservation efforts related to sensitive species in the region, the SNWA shares a concern for the continued well-being of these species. As such, the SNWA supports implementing a comprehensive monitoring program to ensure these crucial habitat areas are not impacted and will continue to analyze available data related to these areas.

Of interest to non-governmental environmental agencies is the issue of groundwater monitoring within the boundaries of the Desert National Wildlife Refuge. The SNWA is sensitive to these concerns, while recognizing the need for baseline data about hydrologic conditions within the area. The ability to monitor the water table will provide the SNWA with the data necessary to manage any proposed diversions and, conceptually, even divert water from other areas to the Desert National Wildlife Refuge if needed to support wildlife.

To support wildlife, the SNWA could conceptually divert and convey water to areas deemed important by land and resource management agencies. For instance, the Nevada Department of Wildlife has a program in place to provide an additional source of water, which could readily be supported by SNWA water transmission infrastructure. In arid environments like the Great Basin and Mojave deserts, much of Nevada's wildlife is dependent on water for survival. Even a small amount of water can sustain a population of bighorn sheep (as is currently the case with an SNWA pipeline in the River Mountains). The in-state resource projects proposed by the SNWA have the potential to augment water supplies for wildlife. Actions of this nature could be identified during the NEPA process, involving state and federal agencies and other stakeholders during the public scoping process.

Recognizing the value of accurate groundwater data, the U.S. Fish and Wildlife Service supports the placement of monitoring wells within the Desert National Wildlife Refuge area and is working with the SNWA to optimize siting of the monitoring network. Likewise, a thorough understanding of the region's groundwater flow system would enable the SNWA to support springs during periods of drought by potentially moving water from other, healthier aquifers and injecting it into the aquifer of concern. The SNWA has demonstrated its ability to manage the water table in this manner successfully, principally through its operation of the largest well-injection aquifer recharge program in the country within the Las Vegas Valley Groundwater Basin.

Extensive biological and water resource monitoring will be conducted as water resource development activities occur. Monitoring will be used to adjust operational

strategies, modify resources being developed and adjust enhancement activities of sensitive areas. Resource management and monitoring will ensure long-term viability of water resources for both environmental and domestic needs. The SNWA welcomes the opportunity to work with concerned parties to devise an appropriate monitoring and management plan for the development of in-state groundwater supplies that prioritizes the conservation of environmental resources in the areas of interest. The SNWA views the NEPA and ESA processes as excellent opportunities for broad public participation.

#### PROPOSED AMENDMENT

Given the importance of properly monitoring groundwater recharge and yields within the valleys potentially affected by proposed SNWA in-state resource projects, the SNWA requests an amendment to S. 2532 to ensure precipitation monitoring gages can be installed within the Wilderness Areas identified by the bill.

Currently, Section 211 of the bill (Climatological Data Collection) restricts the placement of hydrologic, meteorological or climatological collection devices in Wilderness Areas designated by the bill to those uses “essential to flood warning, flood control, and water reservoir operation activities.” The SNWA requests that this be amended by replacing the word “essential” with “necessary,” and adding “and regional precipitation monitoring” after the phrase “water reservoir operation activities.”

Accurate regional precipitation data is a critical component in determining the annual recharge to the regional groundwater basins. With more accurate precipitation data, water managers such as the SNWA and the Office of State Engineer can more precisely determine the quantity of groundwater that may be withdrawn from the regional aquifers on a perennial yield basis. The installation and operation of these precipitation stations will still need to go through a separate environmental compliance process, but are not anticipated to have any significant impact upon the designated Wilderness Areas.

The SNWA appreciates the opportunity to express its support for this important bill. We look forward to working with federal, state and local interests to accomplish the goals of H.R. 4593, while meeting the long-term water needs of rural and Southern Nevada.

**Ms. PILLARD.** I would be willing to submit my written testimony to add to the record.

[The prepared statement of Ms. Pillard follows:]

#### PREPARED STATEMENT OF ELLEN PILLARD, CHAIR OF SIERRA CLUB'S TOIYABE CHAPTER IN NEVADA

Good morning. I'm Ellen Pillard, chair of Sierra Club's Toiyabe Chapter in Nevada. Thank you for the opportunity to present our views on S. 2532, the Lincoln County Conservation, Recreation, and Development Act. Your consideration of our testimony is greatly appreciated. I also thank members of Nevada's Congressional delegation for their attention to these important issues.

I am here today representing the 5500 members of the Toiyabe Chapter and the 750,000 national Sierra Club members. We are concerned citizens who believe strongly in the conservation of our natural resources. On behalf of those dedicated volunteers, many of whom are long-time community leaders and activists working to safeguard Nevada's environmental well-being, I offer the following comments.

Sierra Club and its Toiyabe Chapter oppose the Lincoln County bill as currently written, and highlight those concerns below. Before outlining our recommendations, I would like to acknowledge that despite our opposition, common ground exists on several fronts and Sierra Club supports many of the goals encompassed in this legislation.

For example, we agree there is a need to resolve wilderness issues, address problems related to ensuring adequate water supplies for sustainable development of southern Nevada and the states that depend upon the Colorado River, and tackle the difficulties in obtaining additional land for growth and economic opportunities for rural Nevada. Similarly, we want to enhance recreational opportunities in ways that encourage tourism to the area without damaging natural resources. However, we have concerns about some of the ways these issues are being approached in this legislation.

We urge Congress to seek further public input prior to passing this Act. Our understanding is that only two public meetings were held in Lincoln County, Nevada prior to this bill's introduction. Sierra Club thanks the Senate Energy and Natural Resources Committee members for today's Congressional hearing, and we appreciate

the opportunity to present our views. Still, we ask that the Committee and the bill's sponsors hold additional hearings both here in Washington, in Lincoln County, and in Las Vegas so that other county residents as well as Las Vegas area residents can share their perspectives.

This legislation presents many problems in the methods to address the goals above. As written, the proposal fails to provide thorough environmental reviews in the manner required by federal law. S. 2532 appears to shortchange long-established administrative and legal procedures for changes to public land management, particularly the application the National Environmental Policy Act (NEPA) of 1969. Enacted into law with strong bipartisan support, NEPA is a long-standing procedure. The purpose of NEPA is to provide decision makers with detailed environmental assessments so that they can make informed decisions; and protect the role of public participation, oversight, and understanding of the environmental impacts that development will have on communities.

Sierra Club believes that major federal actions affecting water, air quality, wildlife, and other key environmental resources receive full study prior to moving forward; and that a full range of options be explored to determine the most prudent course to take. In this legislation's proposed land sales, water pipeline development, siting of utility rights of way and transfer of lands for the creation of parks, we are concerned that a full analysis of impacts may never occur.

In the case of the water utility corridor NEPA is explicitly required. Without a full hydrological study the analysis will be incomplete. In other cases (by designating corridors on a map through legislation, for example), the agencies affected will not conduct full alternatives studies because they interpret an Act of Congress to be a direction to follow that exact corridor. Thus, while skirting of NEPA may be an unintentional consequence, the bill in several areas should clarify the need for full analysis under that landmark environmental statute and ensure the time and resources required to do that job well.

Following are comments specific to each title of the bill.

#### TITLE I—LAND DISPOSAL

Title I authorizes several land disposal sales. In total, nearly 100,000 acres of public land in Lincoln County are earmarked in this bill for disposal.

We agree that some public land in Lincoln County should be sold, and the proceeds used to support environmental and recreational enhancements in the County. However, the lands identified in the legislation must be studied and subjected to full public review of environmental values and potential impacts if developed. Many of the lands identified have not been carefully reviewed for habitat, water, and other values. Because in some cases endangered species habitat may be involved and there is no habitat conservation plan for Lincoln County, ensuring that none of this habitat be sold and developed is especially important. Only a full NEPA analysis can help determine whether lands that should be protected and not sold for development.

While there is an option in the legislation for up to 10,000 acres to be withheld from sale by BLM (and swapped for other parcels) if they are found to have such values, this provision is an arbitrary number. All lands proposed for disposal must be evaluated and, if determined to be environmentally sensitive, withheld from sale.

#### TITLE II—WILDERNESS AREAS

Sierra Club wishes to commend the delegation on a promising area of the bill Title II, which authorizes the designation of nearly 770,000 additional wilderness acres in Nevada. These include places that Sierra Club activists have advocated for protection within the "Big Four" the Mormon, Meadow Valley, Delamar and Clover mountain ranges.

We also support the bill's designation of two additional citizen-proposed wilderness areas—Big Rocks and Mt. Irish. These areas were not included in the original BLM review of Lincoln County lands that qualify for wilderness, but we believe they qualify for designation.

Unfortunately, other critical wilderness areas have been left out of the bill. Such areas include the archeologically significant "Shooting Gallery" and other areas in the Pahranagat and Desert National Wildlife Ranges. We encourage modifications to the bill that would designate these special places as wilderness because they are as valuable and important as lands currently protected by wilderness law.

In addition, some management considerations in this title are troubling, including excessive cherry stems.

## TITLE III—UTILITY CORRIDORS

As you know, Nevada is dealing with the effects of a severe drought. Thanks to actions taken by the Southern Nevada Water Authority (SNWA) to reduce demand, Nevada is currently using less than its allotment from the Colorado River; but the future is uncertain. The designation of hundreds of miles of utility corridors in this bill is designed to fast-track the plans of SNWA to develop water rights in rural Nevada and send significant amounts of water south to feed the growth in Las Vegas.

This plan has several fundamental problems. The first is that little is known about the deep carbonate aquifer underlying several counties in Nevada as well as parts of Utah and California, from which water would theoretically be drawn. Rushing to develop billions of dollars of infrastructure without understanding flows in various parts of the aquifer, as well as the recharge rate in various locales, could be a massive waste of money. We commend the delegation for including language for a study of the aquifer underlying White Pine County. However, such a study will be incomplete and possibly very misleading unless the entire aquifer, including several other Nevada counties and parts of Utah and California, is carefully investigated by the U.S. Geological Survey. We urge you to expand the study to include review of the entire aquifer, and particularly its recharge rate. From the aquifer, we should only withdraw amounts of water that are sustainable replenished on an annual basis. If we mine groundwater, we are stealing resources from future generations who will be left literally high and dry if the aquifer is depleted.

A second key flaw is the failure to carefully consider other options for diverting water from Lincoln County to Las Vegas and their relative costs. Las Vegas still uses more water per capita than any other major Western city. While SNWA has made a good start, much more could be captured through additional water conservation measures, and that potential should be thoroughly explored and developed before building out this massive pipeline and water withdrawal system. Application of such conservation measures should be one alternative in a full environmental impact statement addressing how to increase water available to southern Nevada as it grows.

Third, the potential impacts on rural Nevada and its way of life need to be assessed. Will withdrawing water for export dry up existing wells? Will taking water destroy local springs and lakes? Will local ranchers go out of business because their wells have gone dry? Lincoln County residents, local Indian tribes, and those in other rural areas need answers to these questions.

Questions also remain about whether water will be tapped from the Desert National Wildlife Refuge and in other places where game and endangered species need surface water. What will be the impacts of ground water pumping and exportation on the Great Basin National Park and Death Valley National Park, Pahranagat and Ash Meadow National Wildlife Refuges; and public lands as well as state parks and wildlife management areas in eastern Nevada? These questions must be answered before proceeding.

Further, while a justification of the pressing need for other water options for southern Nevada, due to drought, can be credibly made (although there may also be better ways to address this crisis), the same is not true for Vidler Water Company, which is partnering with Lincoln County to develop and, presumably, export water from rural Nevada for a profit. Sierra Club does not see that there is any justification for a speeded-up process for development of water rights of way for Vidler and we would request that those areas be left out of the bill and requests for rights of way follow the normal process through the BLM.

Finally, the legislation does not specify if and how much the entities will pay on an annual basis for the use of these rights of way, which is normal for ROWs on public land. That should be clarified.

## TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

The proposed Off-Highway Vehicle (OHV) trail raises a number of concerns. Again, a full NEPA process that analyzes potential impacts from developing this major trail system would best address the need for further study of environmental, archaeological, sociological and other cumulative impacts of the proposed development. One issue of great concern is mule deer migration routes and the need to ensure they are not traversed by the trail.

In addition to potential impacts from development and use of the trail, there may be significant increases in illegal, off-trail incursions into the desert similar to those experienced elsewhere in the West. The huge increase in use of off-highway vehicles on BLM lands system-wide has not been addressed by increases in enforcement personnel; on the contrary, personnel have been reduced while use in areas such as

parts of the California desert have gotten completely out of control. We are encouraged by the inclusion of authorization of appropriations and hope this can be used to acquire funds to ensure adequate policing as well as monitoring and mitigation of impacts. Finally, we appreciate the inclusion of required signage along the trail, as we believe responsible use is to a large extent a matter of education.

#### TITLE V—STATE AND COUNTY PARK CONVEYANCES

The desire of the county and the state for increased parkland is understandable. However, neither entity has sufficient funds to manage existing lands, nor we have concerns about how these lands will be managed.

#### TITLE VI—TRANSFERS OF JURISDICTION

Title VI of the bill moves the location of a utility corridor to facilitate development around Coyote Springs. The Club opposes the development of this property when the environmental impacts of this huge project on Coyote Springs Valley have not been thoroughly considered. Consequently, a study that examines how the right-of-way will impact the environment, wildlife habitat, and limited water resources is needed. Further, the utility right of way is expanded by the legislation to 1000 feet. Justification of such a wide corridor is needed. This right of way should follow the normal agency process, whereby such questions would be addressed.

Since the Lincoln County bill was just introduced in late June of this year, the legislative language and details in this comprehensive bill were known only to a few. As more people consider the legislation there will be more comments. To promote citizen input, we close by referring back to our request for additional opportunities for public comment, such as field hearings.

Thank you for consideration of our comments. As noted before, Sierra Club remains committed to working with the Nevada delegation and other members of Congress. Through our collective efforts, we hope to resolve the many and varied public lands issues in Nevada.

**Mr. HAFEN.** In the interest of time, I would, as well,

[The prepared statement of Mr. Hafen follows:]

#### PREPARED STATEMENT OF SPENCER W. HAFEN, COUNTY COMMISSIONER, LINCOLN COUNTY, NV

Chairman Craig, Honorable Members of the Committee and staff. I would like to thank you for the opportunity to testify to you today and to be a part of what could be a great turning point for the people of Lincoln County and the State of Nevada.

My name is Spencer Hafen. I am the Chairman of the Lincoln County Commission. I am here today not only representing the Board of Commissioners, but the people of Lincoln County. I would first like to thank Senator Reid and Senator Ensign, Congressman Gibbons, Porter and Berkley for introducing this important piece of legislation. Not only would I like to thank my delegation, but their staff and the people of Lincoln County, who has put countless hours of time into making this bill what it is.

I would like to give a little history of the great county in which I reside. It has been a county in the State of Nevada since 1866, being the 11th county created in the State. Lincoln County is comprised of 10,635 square miles. The population of the county is a little over 4,000 people. There is only one incorporated city, which has a population of about 1,000 and three unincorporated towns each averaging about 900 people. The remaining people live in small communities throughout the county. We live in a very large county, larger than the States of Connecticut, Maryland, New Jersey, Rhode Island, Massachusetts, Vermont, Delaware, New Hampshire and Hawaii, individually. Although our county is larger than these states, the amount of private property within our county is less than 25% of the land that makes up the state of Rhode Island. Our county only has 2% private property out of the 10,635 square miles. The 98% left over is managed by the Federal or State Government in some form. We as a county struggle each year to balance a budget that is produced off of the revenues generated from only 2% of the land within our county. Although our county struggles with the lack of private property and economic development, it is rich in natural resources, history and the pride that makes this County Great! I would now like to address certain issues with the proposed legislation.

## TITLE I—LAND DISPOSAL

In this section of the bill it references to two separate Land Disposals. One being the land comprised within the Lincoln County Land Act of 2000, 13,373 Acres, and the second being approximately 87,005 acres that is a result from this Act. I can't stress enough the importance of having the opportunity to grow and to have available land to do so. The 13,373 was a parcel of land in the very southeasterly corner of our county, it is no where near any other town in our county, but it is directly north of the City of Mesquite, which per its size is the fastest growing city in Nevada. It needs land, much like other parts of the state. It will continue to grow, and by having this land released and sold, per this act, will add tremendous economic increase to our tax base. The 87,005 acres are areas that have been identified by the county that will help the towns and city have land to grow. By adding this additional 87,005 acres to our tax base, it will not increase the private 3 property by 1% in the county. The only way to add to the county tax base is by having land made available to sale. One part of the title of this act is to "provide for the high quality development in Lincoln County", this is the only way that this can happen. We can not develop, if we have nothing to develop. Many people in the county are saddened at the beginning of each summer, not because they don't like the warm weather, but because their sons and daughters have graduated from high school and are leaving for college. Now this may not mean anything to most people, but in Lincoln County it means that the opportunity for those sons and daughters to go to college and be able to return home and find a job are almost non existent. We need land made available for economic development in our county.

Now the second part of this title is Disposition of Proceeds. The money that will be generated from the sales of these parcels will greatly help the county and the state. It is proposed to help our education program, and to be used by the county for economic development, of the land that will be disposed of in addition to parks, trails and natural areas. I think it is important to make something clear about the possible amounts of monies that will be generated from the sale of these parcels. It is very important to remember that our county is not the "Vegas Valley". There will not be parcels sold at prices of 250,000 dollars an acre. It will not happen. The prices will be a much more moderate, possibly a couple of thousand dollars an acre. The important thing to remember is the economic development of the county. What it can do for the citizens that live here now, and their sons and daughters that may someday have an opportunity to come home.

## TITLE II—WILDERNESS AREAS

Wilderness Areas, one good thing that can be said about this part of the Act is that it is being acted upon. We are encouraged that through this bill the many wilderness study areas in our county will be resolved. Over the past several years, members of the Nevada Delegation, Lincoln County Commission, B.L.M., U.S. Fish and Wildlife, ranchers, miners, citizens from Lincoln County and environmental groups have worked diligently to come to a conclusion on what the best possible compromise should be. Do the people of the county agree on what we as residences are giving up when it comes to wilderness areas? No they don't. Does the board of County Commissioners all agree? No they don't, but the majority of the Commissioners and the people of the county see that compromise is needed to make this happen.

We as County Commissioners realize the importance of addressing the issues that deal with wilderness areas. We see both sides of the issue. We see the need for preservation and conservation of many areas and habitat throughout our county. The other side of the issue that we see is the preservation and conservation of the lifestyles, and the people that reside in this great county. People have lived in this county long before it was made a county, they have toiled and sweat to make a living and raise their families off of the same land that some would like to see turned into an outdoor museum.

I feel I would be unjust to some of the residence in the county if I did not relate some of the following concerns.

Lincoln County has some of the best hunting and outdoor activities in the west. If someone wants to hunt for trophy elk, or deer, they come to Lincoln County. If you want to see some of the most diverse landscape in the state, come to Lincoln County. I mention this for two reasons. One, the ability to use the land; and two, the ability to see the land.

There are some of the areas that have potential mining that if made part of the wilderness area would become unavailable. Please remember that a large part of the purpose of this bill is to provide opportunity for economic development within the county. If mining opportunities are taken out, it takes possible economic success

away from the citizens of the county. We need to be able to use the land that is usable.

The issue of being able to see the land: under the current conditions if I want my children to see some of the beautiful country that is part of a wilderness study area, I have the ability to drive to certain locations on existing roads and see that country. The important part is being able to drive on existing roads in the wilderness areas. There are many roads within the proposed areas that need to remain available. These roads do not need to detract or take away in any way from the conservation or beauty of the wilderness area. They will help in the maintenance, fire suppression, and management of the wilderness.

We appreciate the effort and work of the people that provide facilities in wilderness study areas to help and protect our wildlife. We further are thankful for the language protecting the work that has been done, and any future work that may be done in protecting and enhancing our wildlife in certain areas of wilderness.

Finally, it should be adhered to that no area should become wilderness without being properly studied and recommended for wilderness by the proper federal agencies. There have been many, many hours spent by members of the staff of the Nevada delegation, federal agencies, members of the Lincoln County Commission, and members of the public that have worked diligently on areas of wilderness that are deemed suitable or nonsuitable. I would hope that the areas that are deemed suitable and that are recommended will become wilderness areas, and the areas that are not deemed suitable will be left out.

#### TITLE III—UTILITY CORRIDORS

Lincoln County has been working constructively with the Southern Nevada Water Authority in having a resolve to the “battle” that has taken place since the Las Vegas Valley Water District made a mass filling on water rights throughout Lincoln and White Pine Counties in the late 1980's. We have come to an agreement with the Southern Nevada Water Authority that benefits both Lincoln County and the Authority. Through this agreement the County has available water filings that through Nevada water law procedures will benefit the county greatly in their plans for economic development. As I have mentioned in this testimony, Lincoln County is rich in Natural Resources. The ability to utilize and develop those resources depends on the planning and implementation of utility corridors. Over the past few years Lincoln County has been working very hard to try to develop some of their water resources. We have come along 5 way in the development of those resources. We now need Utility Corridors in place to provide a location to help move those resources to different locations throughout the county. As certain places have potential for growth, we need the ability to move resources to those areas. The designation of the Utility Corridors helps us to accomplish those plans and goals.

We as a Board of County Commissioners support the relocation of the right-of-way and utility corridors as described in Sec. 302 of the Act. At the present time there is nothing built within the boundary of the existing right-of-way and utility corridor. There are existing utilities running along U.S. Highway No. 93, but they are either in the Nevada Department of Transportation right-of-way, or in a right-of-way belonging to the Lincoln County Power District. By moving this corridor it will allow the development of private property now in planning stages that in turn will help the Counties tax base.

#### TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

As I have mentioned prior in my testimony, Lincoln County has a diverse landscape that is breath taking to see and visit. One of the ways that we as the County will provide opportunity for people within our county and without it: will be the designation of the Silver State Off-Highway Vehicle (OHV) Trail.

Members of the public and County have worked very hard to identify locations for this Trail system. It will utilize existing dirt roads in most instances, which will minimize the impacts on the land. This trail system will provide addition economic development to our current tourism base that we have through our State Park Systems throughout the county. The further development of County Parks and State Parks will further increase the economics of our county.

In closing, I have heard Senator Reid say that this is probably the most complex land bill he has ever seen. It is very complex. It is unique. Though the passage of this Act; opportunities will be offered to the citizens of this great county that have never been offered before. It will give the young people of this county hope, that someday they will be able to return home and have opportunity for employment. It provides all those who love the outdoors places to go and enjoy them. It will provide Lincoln County with a future that will be strong and self supportive. Remember the

purpose of this Act "to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada". Remember who will be effected by the decisions you make, it won't be people who have no desire to "see or use" the land within Lincoln County, but the people who live and work the land within their County.

Mr. Chairman, I once again thank you for this opportunity to take part in this historic and exciting piece of legislation.

Senator SMITH. Well, I have nothing to say but how sorry I am. I hate it when these kind of things happen. And, unfortunately, we're trying to finish up a bill down there that has got everybody on the floor working and trying to get done tonight. And so we appreciate your understanding, very, very much.

Thank you, and we're adjourned.

[Whereupon, at 5:55 p.m., the hearing was adjourned.]

## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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*May 17, 2004.*

Hon. RON WYDEN,  
*700 NE Multnomah, Suite 450 Portland, OR.*

DEAR SENATOR WYDEN: The Sandy City Council supports the proposed addition to the Mt. Hood Wilderness areas. This designation would provide increased protection for the Alder Creek watershed, which is the primary source of our city's drinking water. The City of Sandy also has a water right on the Salmon River that we will need within the next decade to meet the needs of our residents and businesses. Wilderness designation would also provide increased protection for the Salmon River watershed.

Sandy is the "gateway to Mt. Hood," and the preservation of this precious resource is critical to our residents and to our growing visitor-based economy. We urge your support for the wilderness designation, which will benefit the people of the Oregon and the nation for generations to come.

Sincerely,

Linda Malone, Mayor; Gabe Achterman, Council Member; Bill O'Brion, Council Member; Tina Frostad, Council Member; Roberta Kennedy, Council Member; Dick Steiner, Council Member; and Don Allen, Council Member

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**BLUERIBBON COALITION, INC.,**  
*Oakley, CA, August 24, 2004.*

FOIA OFFICER,  
*Mt. Hood National Forest, 16400 Champion Way, Sandy, OR.*

Re: FOIA Request

DEAR FOIA OFFICER: As the western representative for the BlueRibbon Coalition (BRC), I became aware of several trails on the Mount Hood National Forest that have been recently closed to off-highway vehicles (OHVs).

After seeing several of these closures during my ride on the 2004 Black Dog Dual Sport Ride, I sent a letter on July 12 (see attached) to the Forest Supervisor asking for either the Forest Order or site-specific NEPA document that closed Trail 450. I also asked for a copy of the current Forest Plan.

On August 6, I sent a reminder letter (see attached) to the Forest Supervisor asking for an update and, at least, a copy of the Forest Plan. Because the requested public information has not been forthcoming, I hereby request the following information under the Freedom of Information Act (FOIA), 5 U.S.C. 552: You have 10 working days in which to acknowledge this request.

1) Copy of Forest Order or site-specific NEPA document that permanently closed Trail 450 to OHVs.

2) Copy of current Forest Plan

3) Copies of Forest Orders or site-specific NEPA documents that have closed previously open OHV trails to said use in the last two years that are within an 8 mile radius of Trail 450.

4) Copies of Forest Orders or site-specific NEPA documents that have closed previously open OHV trails to said use in the last two years that are in any of the "proposed Wilderness areas" as outlined in Senator Ron Wyden's Mount Hood Wilderness plan.

5) Copies of correspondence (e.g. FAXes, letters, emails) between "environmental groups or wilderness organizations" and the Mount Hood National Forest where the closure of OHV trails or restriction of OSV use is discussed within the boundaries of "proposed Wilderness areas."

As a national 501(c)(3) nonprofit educational organization, I believe the requested information should be sent to the address below at no charge. Should a copying fee be imposed in excess of \$50, please contact me. Information received will be used for the education of our members, media, Congress, and the general public about the management of our National Forest System lands.

Sincerely,

DON AMADOR,  
*Western Representative.*

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STATE OF NEVADA,  
DEPARTMENT OF WILDLIFE,  
Reno, NV, September 7, 2004.

Hon. LARRY CRAIG,  
*Chairman, Senate Subcommittee for Forest and Public Lands, U.S. Senate, Hart Senate Office Building, Washington, DC.*

HONORABLE CHAIRMAN CRAIG: Honorable members of the Senate Subcommittee for Forest and Public Lands, thank you for the opportunity to present the Nevada Department of Wildlife position on the Proposed Lincoln County Conservation, Recreation, and Development Act of 2004 to the Subcommittee.

Wildlife in the State of Nevada provide a valuable resource contributing nearly \$700,000,000 per year in direct expenditures within the state and providing wildlife associated recreation experiences for over 650,000 citizens. Wildlife and wildlife habitat are experiencing great cumulative pressures related to development, other land uses on the public lands of Nevada and wildfire impacts. While the wilderness designation in this bill may be designed to protect wildlife habitat, this Legislation may have a great deal of negative impacts on wildlife and their habitat in other areas including the associated recreational activities described above. Transportation of water out of the areas designated as pipeline Rights of Ways (ROWS) could negatively affect springs and seeps over vast areas of the State and impact wildlife habitat forever. These effects could have serious impacts on State lands at the Kirch and Key Pittman Wildlife Management Areas as well.

Our agency has reviewed the proposed legislation and would offer the following comment and recommendations:

1. In review of the proposed Silver State Off Highway Vehicle (OHV) Trail, several areas have been identified where wildlife and/or wildlife habitats would be impacted by OHV use. These areas include impacts to wintering and migrating mule deer, seasonal impacts to pronghorn and sage grouse, and impacts to several other wildlife species as well as potential for degradation of important habitats, especially springs, seeps and riparian habitats. Rather than Legislative designation of the Silver State OHV Trail it is recommended that this legislation provide direction to the BLM to develop and designate the Trail, in cooperation and consultation with the Nevada Department of Wildlife, under a public process according to the National Environmental Policy Act (NEPA) that would avoid, minimize and mitigate for the impacts to wildlife and their habitats.

2. As is the case with the OHV trail designation, the Nevada Department of Wildlife (NDOW) recommends that this legislation not designate specific Right of Ways (ROWS) for the Southern Nevada Water Authority and Lincoln County Water, but rather provide direction to BLM for the designation of ROWs through a NEPA public process where all local interests could be evaluated in order to develop alternatives that could eliminate, minimize and mitigate impacts to wildlife and important wildlife habitats as well as to other public land resources.

3. Although great effort and significant cooperation among different interests has gone into the development of public access points and cherry-stem roads relative to the proposed wilderness designations, specific wildlife management issues have been identified that could be eliminated by the addition of 4 cherry-stem roads. These specific recommendations are found on the attached Wilderness Access map and include Hackberry Spring road in the Mormon Mountain Proposed Wilderness; KS42/MV4 and Tri-Canyon access within the Meadow Valley Proposed Wilderness; and the Judy access within the Delamar Proposed Wilderness.

4. Access issues for wildlife management action have been compromised by actions in Utah that limit the use of existing proposed cherry-stem routes into the White Rock Proposed Wilderness. It is recommended that language be added to the bill for direction to the Bureau of Land Management to provide or develop public access on public lands into the White Rock Proposed Wilderness.

5. It is recommended that the 12 most easterly sections in the Pioche land disposal area, as depicted on the attached Lands Action map, be eliminated from con-

sideration for disposal because the area is current occupied sage-grouse habitat (the sage-grouse is currently being considered by the U.S. Fish and Wildlife Service for listing under the Endangered Species Act). As an alternative it is recommended that the 12 sections north and west of Pioche be considered for disposal.

6. Approximately 2 sections identified for disposal to the west of the Key Pittman Wildlife Management Area should also be left in public lands status to protect the Wildlife Management Area users and resources within the area including potential impacts on the State's ability to access the 486 acre feet of water rights that the State has at Crystal Springs. Crystal Spring and its outflow are also designated critical habitat for Hiko White River Springfish. Also potentially affected in broader scope is the hydrology associated with the Key Pittman Wildlife Management Area. As an alternative it is recommended that the 2 sections north and west of Panaca be considered for disposal.

7. We would strongly urge that the public lands in the 7 sections along the west side of the Carp disposal area be left in public lands status as these lands are occupied desert bighorn habitat and likely habitat for two state protected fish species, the Meadow Valley Wash Desert Sucker and the Meadow Valley Wash Speckled Dace. An alternative would be an additional 7 sections west of Panaca be considered for disposal.

8. It is recommended that the 5 sections identified for disposal for Lincoln County parks be left in public lands status as these lands are important mule deer habitat and that an additional 5 sections west of Panaca be considered for disposal.

9. The bill would designate two areas as wildernesses that were never designated as Wilderness Study Areas. This action could set a serious precedent in Nevada and we would therefore recommend against these designations without the careful analyses, consideration of competing values, and full public review process that occurred during the Wilderness Study Area review process.

Mr. Chairman, thank you for the opportunity to provide this information to the Subcommittee for consideration. We feel that these recommendations are prudent and will protect the State's precious wildlife resources while accomplishing the intent of the Lincoln County Conservation, Recreation and Development Act of 2004.

Sincerely,

TERRY R. CRAWFORTH,  
*Director.*

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**BACKCOUNTRY HUNTERS AND ANGLERS,**  
*Eagle Point, OR, September 9, 2004.*

Hon. RON WYDEN,  
*U.S. Senate, 700 NE Multnomah St., Ste. 450, Portland, OR.*

DEAR SENATOR WYDEN: Backcountry Hunters and Anglers is a national hunting and angling organization based in Eagle Point, Oregon. We are honored and thrilled to have the opportunity to provide our support of your Wilderness proposal for Oregon: The Lewis and Clark-Mount Hood Wilderness Act of 2004. We request that this letter be formally entered into the September 14, 2004 Senate Energy and Natural Resources Committee hearing record as written testimony in support of this legislation.

As hunters and anglers, we believe that expanding Wilderness area designation on Mt. Hood not only benefits our cherished activities and traditions, but all Oregonians and the nation. This proposal is also a critical link to our past and our Pacific Northwest heritage honoring the tremendous journey through our area by Lewis and Clark and the Corps of Discovery in 1805-1806. It is appropriate that this visionary proposal be designated in time for the bicentennial of that incredible expedition.

We believe this legislation will help maintain and protect wildlife biodiversity, anadromous fish habitat and native vegetation. It will protect watershed forests which are critical to a stable source of clean water for our ever growing population. Wild and Scenic status for the streams included in the proposal will help stem the tide of over-development and encroachment upon our cherished public roadless areas.

The communities surrounding Mt. Hood know that hunters and anglers bring millions of dollars into the region through the purchase of licenses, equipment, lodging, fuel, meals and other ancillary items. We are a vital and integral part of the economy in many of these areas where the historical industries of timber production and manufacturing have diminished. By enlarging Wilderness designated areas, we, as conservation and ethically minded hunters and anglers, believe Oregon can, over time and with proper habitat protection, deliver world-class trophy bull elk and

mule deer to the eastern flanks of Mt. Hood. Expanding hunting and angling opportunities will certainly result in heightened economic prosperity for the affected communities from the recreation and the pursuit of these animals.

We strongly advocate for the passage of this legislation for the good of hunters, anglers, and all who enjoy and find physical and spiritual enrichment being in the outdoors far removed from the noise, stress, pollution and crowds of our hectic, everyday lives.

Thank you for your efforts to save the natural places of Oregon.

Sincerely

MICHELLE DETWILER,  
*Vice Chair, Treasurer.*

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MOUNT HOOD CORRIDOR,  
COMMUNITY PLANNING ORGANIZATION,  
*Welches, OR, September 9, 2004.*

Senator RON WYDEN,  
*700 NE Multnomah, Suite 450, Portland, OR.*

DEAR SENATOR WYDEN: The Mount Hood Corridor Community Planning Organization (CPO), representing the areas of Zigzag, Welches and Brightwood, supports the "Lewis and Clark Mount Hood Wilderness Act of 2004". Our organization is active in land use planning within Clackamas County and the State of Oregon. We also participate with the BLM and the U.S. Forest Service in management plans for the Sandy River Basin watershed.

We recognize and commend your efforts to collect input through the public forum process. This has included input from several local groups. We believe this legislation will benefit local residents. The land additions identified in this bill not only improve existing wilderness opportunities and experiences, but will also benefit the local communities near these wilderness areas. Some of the natural sources for local domestic water systems will be included in this bill, and thus, better protected. Scenic views will be preserved, fishing and hunting opportunities will be enhanced, and the local tourist economy will be strengthened.

We consider the "Lewis and Clark Mount Hood Wilderness Act of 2004" to be a balanced and accommodating approach to existing recreational and resource uses in the Mount Hood area. We believe these wilderness lands are an enhancement to the quality of life, not only for local residents, but for all citizens.

Sincerely,

DON MENCH,  
*Land Use Committee Chair.*

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LAHONTAN AUDUBON SOCIETY,  
*Reno, NV, September 9, 2004.*

Hon. LARRY CRAIG,  
*Chairman, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

Hon. DANIEL AKAKA,  
*Ranking Member, Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

Re: Lincoln County Conservation, Recreation, and Development Act of 2004.

DEAR CHAIRMAN CRAIG AND RANKING MEMBER AKAKA: The Lahontan Audubon Society (LAS) directly represents approximately one thousand households in northern Nevada. As an environmental organization it is our responsibility to address issues concerning the environment and the people of the State of Nevada.

LAS is concerned that the recently introduced legislation, S. 2532 and H.R. 4593 "Lincoln County Conservation, Recreation and Development Act of 2004" will pose significant hardships on the environment of eastern Nevada and the people of the state. LAS is concerned that the process by which this legislation is occurring sets a frightening precedent. If allowed, this legislative process establishes that congress can circumvent federal policies established to protect the land and those who use it. All provisions in this bill, with the exception of land designated under the Wilderness Act, can be undertaken through standard administrative processes and do not require congressional authority. Creating legislation is both costly and time con-

suming. We should be parsimonious when drafting legislation and include only those provisions that need congressional authority not only to conform to established administrative processes but also to afford natural resources their due consideration.

The following is a brief summary of our concerns with certain aspects of this bill.

#### LAND DISPOSAL

LAS supports Lincoln County's right to pursue growth and generate revenues from land sales. However, LAS does not agree with the inclusion of specific parcels of land at this stage of legislation. Parcels should be determined only after the administratively required environmental processes have taken place and the Bureau of Land Management (BLM) determine them suitable for disposal. We are especially concerned about the parcels indicated on the map in the Hiko, Ash Springs and Alamo areas. These parcels surround a Wildlife Management Area and a National Wildlife Refuge, both of which provide important breeding and migration habitat for endangered birds and other wildlife. The LAS has recognized this area as exceptionally important.

In June 2001, the Lahontan Audubon Society initiated the Nevada Important Bird Areas (IBA) Program. This international program is identifying globally, continentally and nationally recognized areas through the National Audubon Society and BirdLife International. An IBA is a site providing essential habitat to one or more species of breeding or non-breeding birds. This program recognizes that habitat loss and fragmentation are the most serious threats facing populations of birds across America and around the world. Unless we can slow the rapid destruction and degradation of habitat, populations of many birds may decline to dangerously low levels. Like Partners In Flight, a coalition of partners interested in bird conservation, the goal of the IBA Program is to "keep common birds common." Nevada is proud to contribute to this global effort and since 2001 has recognized 29 IBA's throughout the state. This recognition contributes to the preservation, maintenance, and recovery of bird populations in Nevada in collaboration with private landowners, federal and state agencies, and NGO's responsible for the well being of birds and other wildlife and their habitats.

The Pahranagat Valley Complex IBA encompasses two important features in Pahranagat Valley, the Pahranagat Valley National Wildlife Refuge on the south end of the complex and the Key-Pittman Wildlife Management Area to the north. Several privately held ranches separate these two publicly owned land parcels. These private lands likely contribute to the integrity of the site, and landowner cooperation and bird-friendly management practices are critical. The release of more land in this area may have adverse impacts on the already fragile wildlife community in the area. For example, Ash Springs and Crystal Springs are known breeding sites for the Endangered Yellow-billed Cuckoo, as well as endemic fish species. These areas need to go through rigorous environmental assessments to determine their suitability for disposal. For these reasons and numerous other examples that could be provided, we urge that this legislation not identify parcels for sale in this land bill.

With regards to the 87,005 acres available for disposal in Lincoln County, the bill provides the Secretary exclusion rights of "not more than 10,000 acres if the sale is deemed inconsistent with the protection of habitat and cultural resources." There should be no limit to the amount of land the Secretary may withhold from sale, so that appropriate protection can be applied to all areas where such protection is warranted.

Nowhere in the Land Disposal section of this bill does it refer to compliance with the National Environmental Policy Act (NEPA). However, in the Utility Corridor section NEPA is mentioned. We are concerned that by establishing predetermined parcels in this legislation, environmental processes such as NEPA will be bypassed. We have to oppose any bill that does not mandate full compliance with all legally required environmental policies.

This bill specifically provides for the sale of land that was previously identified for sale in the Lincoln County Land Act of 2000. These parcels are currently undergoing additional environmental review per a judicial order. Mandating the sale of these parcels within 75 days of the enactment of this bill will circumvent environmental policies and ongoing judicial review process. This provision should be removed from the legislation.

Congress is responsible for funding public land management programs as part of its normal budgeting process. We are concerned that due to the inability of congress to adequately fund these programs, revenue generated from public land sales is in essence an attempt to make up this deficit. We do not agree with this practice. It

is imperative that there be funding available to support the activities and provisions mandated in this bill from other funding sources.

#### WILDERNESS

LAS wishes to express its appreciation to Nevada's delegation for designating in this bill such a large amount of Wilderness in Lincoln County. We would like to point out two ranges in particular that are designated in this bill that appear to be a result of the hard work by citizen organizations in evaluating the suitability of Wilderness quality lands, Mt. Irish and Big Rocks. Many individuals have worked tirelessly over many years to determine areas suitable for Wilderness designation and we commend the delegates for recognizing their efforts. The Delamar Range and Fortification Range are two other areas indicated in the bill that are most definitely worthy of Wilderness designation and we appreciate their inclusion in this bill.

Although this bill provides a great deal of Wilderness protection, we encourage the delegates to include the Pahranagat Range in the Wilderness designation. This particular range is home to exceptional and unique prehistoric rock art and needs federal protection to maintain the sites character and integrity. We also encourage the delegates to reconsider many of the boundaries to these Wilderness Areas to limit the number of cherry stem roads that may compromise the Wilderness qualities in these wonderful areas. And, we encourage the delegates to work closely with the Wilderness Coalition in reevaluating the Wilderness Study Area's designated for release in this bill as the Wilderness qualities have not changed and are still in need of protection.

#### UTILITY CORRIDORS

The Lahontan Audubon Society has recognized two IBA's in Lincoln County, and five more just outside the county line are either recognized or are pending designation. All of these IBA's are closely tied to spring systems. Nevada, being the driest state in the Union, places a great value on its water sources, from both a human perspective and that of wildlife. Most wildlife in the state uses springs, wetlands and streams for some aspect of their life history. Not enough is known of the spring systems throughout the eastern portion of the state and how tightly linked groundwater and surface water features, such as springs and seeps may be. Although this bill requires a hydrologic study of ground water, it limits the study to White Pine County and does not provide the necessary funds to conduct the study. The entire aquifer needs to be studied in order to accurately assess the potential impacts of groundwater pumping. We encourage the delegates to provide funding for a complete study of the entire carbonate aquifer underlying White Pine, Nye, Lincoln, and Clark Counties, including parts of western Utah and eastern California.

Establishment of utility corridors is a land use planning activity through the BLM. Like many provisions in this bill, mandating utility corridors prior to any environmental assessments, and a thorough knowledge of the hydrologic system including impact studies on groundwater pumping, appears unwise. Pressure to seek new sources of water from rural counties to support growth in the Las Vegas Valley is significantly increasing with no end in sight. And, despite the delegation's attempt at stressing the corridor and rights-of-way provisions are not meant to apply undue pressure on the State Water Engineer, it in fact does just that, undermining State jurisdiction over state waters.

The utility corridors that are indicated on the map leading up Pahranagat Valley and Kane Springs Wash are of particular concern to LAS. As previously mentioned, Pahranagat Valley is an IBA and closely tied to water features. And, the utility corridor that is planned through Kane Springs Wash has its terminus in Meadow Valley Wash. The Meadow Valley Wash IBA is identified as that portion of the Wash from approximately the Lincoln/Clark County line at the southern end to just below the town of Caliente to the north. Wetlands and seeps ranging from tens to hundreds of acres are intermittent within the Wash. This combination of large area, north-south alignment, and wetland/water sites makes this wash system a significant wildlife habitat and migration corridor for riparian and desert species. The wash provides bird habitat for year-round residents, seasonal breeding birds, and migrants. Consequences of groundwater abstraction are poorly understood, but could include loss of all surface waters due to draw-down and alteration of hydrological regimes. This is currently believed to be the single greatest threat to this and other IBAs in southern Nevada. Mandating utility corridors in this legislation may serve to only increase the potential risk of habitat loss at these critical sites.

As a result of this legislation a valid Environmental Impact Statement may not be possible. The legislation dictates so many specific outcomes that an EIS could not

reasonably evaluate viable alternatives required by NEPA. This bill mandates an EIS to be completed prior to BLM granting rights-of-way, but nonetheless mandates BLM to grant rights-of-way for utility corridors. Language in the bill should be changed to give BLM the flexibility to grant rights-of-way only in the event that results of hydrologic studies and environmental reviews determine that water exportation and construction of corridors will not negatively and adversely impact existing users and the environment. We believe private water companies and water districts should not be specifically mentioned in this bill so congress does not appear to facilitate and support the privatization and marketing of water.

#### OHV TRAIL

We are supportive of an OHV trail, but only after it has gone through the required environmental evaluation processes prior to establishment. This bill designates a trail route prior to any environmental assessments. This, again, is a provision in which performs an end-run around current established process that would properly evaluate the need and assess the potential impacts. The bill could allow for an OHV trail and not designate a route on the map, allowing BLM to evaluate the most suitable route. The bill should also allow for the permanent closure of the trail, not just temporary closure, should there be unintended adverse impacts on resources associated with the trail. We recognize the need for land managers to address this rapidly expanding recreational use. By establishing a trail of this size without the proper funding for monitoring and enforcement, does not adequately address the issue and only increases opportunity for individuals to "pioneer trails" leading to unauthorized routes and destruction of habitat.

#### JURISDICTION TRANSFERS

We are concerned about the need to transfer jurisdiction of particular parcels between BLM and the Fish and Wildlife Service, as there appears to be no justification provided in the bill. The parcels indicated on the map for transfer are critical habitat to a large population of Threatened Desert Tortoise. Transfer of jurisdiction and boundary changes to National Wildlife Refuges should be based on results of impact studies, and the ability of the agencies to properly manage the resource. Transfers should not be made for the convenience of private property owners that will only serve to expand growth in this fragile area.

In conclusion the Lahontan Audubon Society believes this legislation does not provide adequate means of environmental protection, thereby placing birds and bird habitat at risk. We would appreciate the opportunity to work with the delegation in drafting new legislation that addresses these concerns and provides for the protection of environmental lands, wildlife and the people of the State of Nevada.

Respectfully,

KAREN KISH,  
President, Board of Trustees.

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STATE OF NEVADA,  
BOARD OF WILDLIFE COMMISSIONERS,  
Reno, NV, September 11, 2004.

Hon. LARRY CRAIG,  
Chairman, Senate Subcommittee for Forest and Public Lands, U.S. Senate, Hart  
Senate Office Building, Washington, DC.

DEAR SENATOR AND SUBCOMMITTEE MEMBERS: Honorable Chairman Craig, Honorable members of the Senate Subcommittee for Forest and Public Lands, thank you for the opportunity to present the Nevada Board of Wildlife Commissioners position on the Proposed Lincoln County Conservation, Recreation, and Development Act of 2004 to the Subcommittee.

September 11, 2004 the Nevada Board of Wildlife Commissioners adopted a resolution on Proposed Lincoln County Conservation, Recreation, and Development Act of 2004 (attached).<sup>\*</sup> This resolution provides recommendations relative to the proposed wilderness designations, cherry-stem roads to be open for public access, and wildlife management tools to be available for use within the designated wilderness areas. I am enclosing a copy of the resolution for your use and consideration.

I would like to express my appreciation for your consideration of the enclosed Nevada Board of Wildlife Commissioners Resolution in the upcoming hearing of September 14, 2004.

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<sup>\*</sup> Retained in committee files.

We look forward to a successful conservation, recreation and development act that addresses not only the needs of the people of Nevada, but also provides for the use of critical management tools necessary for attainment and maintenance of healthy, natural ecosystems and associated fish and wildlife resources within areas designated as wilderness. We also hope that this legislation will provide the flexibility to address site specific fish and wildlife species needs with regard to the other proposed designations.

Sincerely,

TOMMY FORD,  
*Chairman.*

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*Portland, OR, September 14, 2004.*

Senator RON WYDEN,  
700 NE Multnomah St., Suite 450, Portland, OR.  
Re: Lewis & Clark Wilderness bill

DEAR SENATOR WYDEN: I am writing as a constituent, a conservationist, and an avid mountain biker to support the Lewis & Clark Wilderness bill. I sincerely believe that without the level of protection that Wilderness protection provides, much of the forested areas of public land on Mt. Hood will be converted to dollars that will line the pockets of a few at a great loss to the rest of us.

Although my favorite way of experiencing the forests of Oregon is by mountain bike, and I sincerely hope that boundary adjustments such as those initially suggested by ONRC will allow continued access to the most popular mountain biking trails, I believe that protection of our habitats, our watersheds, and our overall quality of life is much more important than any sport.

You may not realize it, but many mountain bikers also belong to conservation groups such as the Sierra Club and The Nature Conservancy. For us, an "environment versus recreation" mindset simply doesn't make sense; if it comes to such a choice, protection of the environment should always prevail.

I recently returned from my first visit to Crater Lake. The natural beauty there, and the number of people from all over the world who had come to see it, were reminders of why I choose to make my home in Oregon and how fortunate we all are to live in this state. We must never take our natural legacy for granted by allowing it to dissolve into clearcuts and condos. Please do your best to see that the Lewis & Clark Wilderness bill becomes a reality.

Sincerely,

BONNIE LYNCH.

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*September 14, 2004.*

Senator RON WYDEN,  
U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN: The undersigned organizations strongly support the elements of your proposed Lewis and Clark Mount Hood Wilderness Act of 2004 that would designate for special protection both substantial acreage on and around Mount Hood and in the Columbia River Gorge as components of the National Wilderness Preservation System and portions of the Hood and Zigzag Rivers and Eagle Creek as components of the National Wild and Scenic Rivers System.

The rationale for the legislation is well stated in the draft Findings section of the bill. This is a very historic area, from the arrival and settlement of Native American peoples, to the Lewis and Clark expedition, to pioneers reaching Oregon over the Oregon Trail. How very fitting that the legislation should be offered in one of the Bicentennial years of the Lewis and Clark expedition. It is also a very beautiful area, and wilderness and Wild and Scenic River status will protect and hopefully enhance the strong natural and recreation values to be found here.

We are writing now to especially support the designation of portions of the Hood River, the Zigzag River, and Eagle Creek as Wild and Scenic Rivers. These segments were studied by the U.S. Forest Service and found to be free-flowing and possessing at least one "outstandingly remarkable value," such that the segments were deemed "eligible" for congressional protection. The outstandingly remarkable values determined by the Forest Service ranged from geologic/hydrologic (Middle Fork Hood River), ecological/botanical (Middle Fork and portion of East Fork Hood River), historic/cultural (Zigzag River) and fisheries and wildlife (Eagle Creek) to a combination of recreation, geologic/hydrologic, wildlife and ecological/botanical values (another portion of East Fork Hood River). Little has changed in these areas since

that time. These outstandingly remarkable values speak volumes about the beauty and richness of these areas.

The analysis shows the breathtaking variety of regionally and nationally significant attributes of these rivers. These rivers are very special and deserve the same high level of protection as that of other Oregon rivers that are already part of the National Wild and Scenic Rivers System. We will very much appreciate your support to protect these free-flowing streams, as well as the associated roadless wildlands, for this and future generations.

Sincerely,

David Moryc, Associate Director, American Rivers, Northwest Regional Office; Kevin Gorman, Executive Director, Friends of the Columbia Gorge; Joe Serres, Conservation Coordinator, Friends of Living Waters—FLOW; Tom Wolf, Executive Director, Oregon Council Trout Unlimited; Bill Marlett, Executive Director, Oregon Natural Desert Association; Jay Ward, Conservation Director, Oregon Natural Resources Council; Rhett Lawrence, Environmental Advocate, Oregon Public Interest Research Group; Rolf Skar, Campaign Director, Siskiyou Project; Peter Lavigne, President, Rivers Foundation of the Americas; Dave Moskowitz, Cascadia Salmon Biodiversity Program Director, Wild Salmon Center; Sue Marshall, Executive Director, Tualatin Riverkeepers; Jeff Curtis, Western Conservation Director, Trout Unlimited; Penny Lind, Executive Director, Umpqua Watersheds; Rich Simms, President, Wild Steelhead Coalition; John Kober, Wildlife Program Manager, National Wildlife Federation; Joe Whitworth, Executive Director, Oregon Trout

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THE CONFEDERATED TRIBES OF THE  
WARM SPRINGS RESERVATION OF OREGON,  
*Warm Springs, OR, September 14, 2004.*

Hon. LARRY E. CRAIG, *Chairman*,  
Hon. RON WYDEN, *Ranking Member*,  
Committee on Energy and Natural Resources, Subcommittee on Public Lands and  
Forests, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CRAIG AND RANKING MEMBER WYDEN: The Confederated Tribes of the Warm Springs Reservation of Oregon hereby submit the attached testimony to be formally entered into the Subcommittee's record of today's hearing on S. 2723, the Lewis and Clark Mt. Hood Wilderness Bill.

Thank you very much.

Sincerely,

RON SUPPAH,  
*Tribal Council Chairman.*

[Attachment.]

STATEMENT OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON

Thank you for the opportunity to submit testimony regarding the Lewis and Clark Mount Hood Wilderness Bill. My name is Ron Suppah and I am Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The Warm Springs Reservation is comprised of 640,000 acres and is located in north-central Oregon. The Reservation is bordered by the Mount Hood National Forest to the west and the north, and by the Deschutes National Forest to the south. The Reservation also shares a 20 mile border with the Mount Jefferson Wilderness Area in the Deschutes National Forest. A large portion of the Mount Hood National Forest is located upon lands ceded to the United States by the Confederated Tribes in the Treaty of June 25, 1855. The Confederated Tribes have important Treaty reserved hunting, fishing, gathering and pasturing rights on lands to be included within the proposed wilderness designation. In addition, all of the lands included in this bill are part of our aboriginal territory. As such, they contain cultural, religious, archeological and aesthetic values that are of great importance to us.

The Warm Springs Reservation contains 350,000 acres of valuable timberland, which has long been vital to our tribal economy. Despite the Tribes' economic dependence on our timber resources, our forest management practices emphasize sustainability above all. This follows from long-held traditional tribal values emphasizing the necessity to preserve the land and its resources for future generations.

This emphasis has earned the Confederated Tribes a Certification for Sustainability by the Forest Stewardship Council.

As a timber tribe with a tradition of conservation and sustainable forest practices, we understand the need to balance a variety of interests in forest management. We believe we have achieved such a balance on our Reservation. We applaud the ongoing efforts of Oregon's Congressional delegation to balance multiple interests in Oregon's forests, while protecting our natural resources for future generations.

The Lewis and Clark Mount Hood Wilderness Bill proposes the use of wilderness designation to achieve the admirable goal of protecting Oregon's old-growth forests. Although we have some very serious concerns about this proposal, we wish to be clear that we strongly support the purpose and intent of this bill. We are simply not convinced that wilderness designation is the appropriate protective tool to achieve this purpose, as it can lead to some unintended consequences such as substantial timber losses from fire and disease. We are also concerned that some of the specific provisions of this bill, such as the establishment of the National Urban Forest Commission, place too much emphasis on the role of this forest as a wilderness playground for urban dwellers. Our specific concerns are laid out below.

#### I. CONGRESSIONAL FINDINGS

Section 2 of the Lewis and Clark Wilderness Bill contains a long statement of Congressional findings regarding the Mount Hood National Forest. The first four paragraphs of this narrative describe the drafter's understanding of the history of Native American use and occupation of the Forest. Although this section purports to describe the history of our ancestors, we were never contacted to clarify or approve any of the information presented here. More to the point, many of the statements are simply wrong, or contrary to tribal tradition and belief. We would like this history to be stricken entirely, or at least re-written with the aid of tribal cultural representatives.

#### II. DESTRUCTIVE WILDFIRES

Both in our capacity as aboriginal inhabitants with a long-term interest in the National Forest, and in our capacity as adjacent landowners, we are gravely concerned about the risk of destructive wildfires. Although the Wilderness Act and this bill allow measures to be taken as necessary to control fire at the discretion of the Secretary, the reality of wilderness designation is that fire prevention and treatment are handled much less aggressively than they are elsewhere.

We agree that fire has a proper place in the ecosystem. However, management practices over the past 100 years have led to such a large fuel buildup that we cannot simply take a hands off approach to wildfire management. Our people have always engaged in prescribed burning to support forest health, and we consider our efforts as a part of the natural ecology of the forest. We believe that controlled burning and thinning will help bring the ecosystem back into balance in a way that will enable it to sustain more natural processes. In fact, the Tribe is in the process of translating this belief into reality. We are actively working the U.S. Forest Service on removal of excess fuel from national forests adjoining the Reservation. This fuel, along with wood waste from the Confederated Tribes' mill and our own forest health activities will be used to generate new, renewable energy from a biomass facility.

The loss of National Forest timber due to wildfire is a loss to all of the inhabitants of Oregon and to the wild creatures who depend on those forests for habitat. As wildlife habitat is lost through fire, particularly habitat for federally protected endangered or threatened species, the burden on existing forestland increases. Much of that burden will fall on nearby Reservation forests. Thus the balance we have struggled so hard to achieve in our forests is subject to additional pressure by the loss of nearby wild places.

As adjacent landowners, we are concerned about the very real threat to our property and timberlands by out-of-control wildfires. As stated above, our Reservation is adjacent to the Mount Jefferson Wilderness Area. In 1996 the Jefferson Wilderness Fire began in this area and was initially treated in a non-aggressive manner. Eventually that fire spread onto the Reservation and burned approximately 3000 acres of tribal timberland. As more portions of the Mount Hood National Forest, located closer and closer to the Reservation, are designated as Wilderness lands, the risk of these uncontrollable wildfires spreading onto the Reservation increases.

#### III. INSECT AND DISEASE

With regard to insect and disease management, we are primarily concerned about the possibility that these problems will spread onto the Reservation. We treat our timber in a conservative way to avoid these threats. We believe the timber on des-

ignated wilderness lands will not be treated, and these problems will spread quickly to adjacent and nearby timber lands, including those on the Reservation. As disease and infestation become more prevalent on the Reservation, we may have to treat our timber more aggressively. In addition, increased losses from these causes will put more pressure on our Reservation forests, and make it more difficult for us to balance the many interests in our forests.

#### IV. DISPLACED RECREATIONISTS

We understand the primary purpose of wilderness designation is to preserve wild places and their unique attributes for future generations. However, we are concerned that there is a logical inconsistency between that purpose and some of the rationale behind this proposal. We have heard statements to the effect that creating more wilderness in the Mt. Hood National Forest will help support a tourism-based economy. The implication is that wilderness designation will attract more visitors to the National Forest. Obviously, increasing use by humans is not the best means of protecting the forest. The reality is, we fear, that increased wilderness lands will attract more recreationists to the National Forest, but leave them with fewer accessible areas or lead to excessive overuse.

As the National Forest becomes more crowded, recreationists may seek less popular but equally pristine wild places to enjoy. Already, we face problems with trespassers utilizing closed areas of our Reservation for recreational use. We are concerned that increased wilderness lands may ultimately result in more trespasses on the Reservation, creating a substantial burden on our law enforcement personnel and on our Reservation natural resources.

#### V. TRIBAL TREATY RIGHTS

We appreciate the inclusion of Section 904 in the Lewis and Clark Wilderness Bill expressly preserving Indian rights in the proposed wilderness area. However, we believe more protective language is necessary, expressly preserving specific types of Indian tribal rights in the Mt. Hood National Forest, such as:

1. Treaty reserved hunting, fishing, gathering and pasturing rights;
2. The right to access National Forest lands, including those under the wilderness designation, to exercise those treaty rights; and
3. The jurisdiction or authority of any Indian tribe with regard to fish, wildlife, water or land or other natural resource management.

In addition, the preservation of tribal treaty rights in this document is meaningless if tribal members cannot exercise those rights in reality. We are concerned that wilderness designation may have a negative impact on the practical ability of tribal members to exercise their treaty rights in these areas. For example, past forest management practices have led to

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BLUERIBBON COALITION, INC.,  
Oakley, CA, September 14, 2004.

Hon. LARRY CRAIG,  
*Chairman, Public Lands and Forests Subcommittee, Washington, DC.*

Hon. RON WYDEN,  
*Ranking Member, Public Lands and Forests Subcommittee, Washington, DC.*

Re: Testimony on S. 2723

DEAR SENATORS CRAIG AND WYDEN: Testimony—Statement by the BLUE RIBBON COALITION on S. 2723 to designate certain public lands in the Mount Hood National Forest in State of Oregon as Wilderness. Please include this document in the official record.

I am Don Amador the Western Representative for the BlueRibbon Coalition (BRC), based in Pocatello, Idaho. The BlueRibbon Coalition is a national recreation group that champions responsible use of public and private lands, and encourages individual environmental stewardship. It represents over 10,000 individual members and 1,100 organization and business members, for a combined total of over 600,000 recreationists nationwide. I am a native of the Pacific Northwest and grew up hunting, fishing in the ocean and streams, hiking in state parks, and riding my off-highway vehicle on public lands.

Between 1994-2000, I was a commissioner and chairman for the Off-Highway Motor Vehicle Recreation (OHMVR) Commission at California State Parks. I helped develop the current Memorandum of Understanding between BRC and the Wash-

ington Office of the USDA Forest Service. Recently on behalf of BRC, I partnered with a Forest in the Pacific Northwest Forest Plan (Mendocino National Forest) on a joint grant request to Tread Lightly! and their HUMMER HELPS program to fund the restoration of the North Fork Campground that was destroyed in the 2002 Trough Fire. I have been invited to speak on public land access issues by the Society of Environmental Journalists, Outdoor Writers Association of America, and the Western Outdoor Writers.

BRC members work hard to promote a responsible land-use ethic and donate literally thousands of hours to maintain our existing trail and recreational facilities on lands managed by the FS and Bureau of Land Management. BRC also supports the intent of the original Wilderness Act of 1964 as, "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain . . . an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions . . .".

Please accept this communique as the official position of BRC regarding the proposed designation of over 177,000 acres in the Lewis and Clark Mount Hood Wilderness plan—S. 2723—as federal Wilderness.

BRC strongly opposes S. 2723 at this time based on the position statement of the newly formed Oregon Recreation Coalition (ORC), a collaboration of 27 Oregon-based access groups representing over 50,000 recreationists. ORC states (see attached ORC position statement) over 1,100 miles of legal roads and trails would be closed to motorized use. 90 percent of one snowmobile trail system would be eliminated and another by 65 percent. Also, ORC presented a 4,600 signature petition to Senator Ron Wyden's office in opposition to S. 2723.

BRC strongly opposes S. 2723 at this time because it has been unable to obtain critical information (see attached FOIA) regarding suspect trail closures on the Mount Hood National Forest including mapped areas of S. 2723. BRC is concerned there may have been pre-facto closures to legitimate motorized uses by agency staff in anticipation of this bill.

BRC strongly opposes S. 2723 at this time because it uses many existing and legally maintained off-highway vehicle and mechanized roads as new Wilderness "boundary markers." That has created a new and somewhat problematic management dilemma for the FS. These roads could be called "quasi-cherry stems" and appear to be in conflict with the "3-mile" setback rule. According to the Recreation Opportunity Spectrum (ROS), in order to have a wilderness recreation experience, an individual must be at least 3 miles from the nearest road or trail where motorized vehicles are in use.

It is BRC's opinion that should proponents of S. 2723 want the support of the recreation community for the future designation of lands as Wilderness; they will have to mitigate any loss of motorized or mechanized access. These mitigations could include the following:

1. The hard release of expired Wilderness Study Areas.
2. Where appropriate, utilize BRC's Backcountry proposal instead of Wilderness designation.
3. Wilderness advocates support for new motorized trail opportunities to replace closures.
4. Consider reopening lands that are currently closed by legislation or administrative decision to motorized recreation.

As Congress, recreationists, and Wilderness advocates move into the 21st Century, the aforementioned dynamics should be included in the Wilderness debate so that all parties are treated in a balanced fashion.

Sincerely,

DON AMADOR,  
Western Representative.

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GOG WILD BICYCLE TOURS,  
Bend, OR, September 20, 2004.

Senator RON WYDEN,  
700 NE Multnomah, Portland, OR.

DEAR SENATOR WYDEN: I am writing today to express my sincere appreciation for your efforts on S. 2723, the Lewis and Clark Mount Hood Wilderness Act of 2004. I wish to present comments on this bill for the consideration of the committee, and to lend some local expertise to the issue at hand, but first I would like to share a little of my background.

During my childhood in Philadelphia, PA I had the pleasure and great fortune to travel nearby to areas like the Pocono Mountains and the Adirondack Mountains. When I made the conscious decision to attend college, I decided to study Forest Recreation Management at Oregon State University. This led me to work in Wilderness Management. I spent several summers working with the U.S. Forest Service as a Wilderness Inventory Specialist, and became acutely aware of the challenges facing Wilderness managers. I also gained an appreciation for helping others experience the outdoors working for a Nature Education Program.

Another passion I picked up during college was mountain biking. There is something exhilarating about finding your way along trails which beg to be explored, and going further from home, and comfort, each time you head out. Mountain biking captivated me.

The work I was doing in the Wilderness field brought me to Bend, Oregon where I currently live with my wife and three young children. In 1995, the Bend/Fort Rock Ranger District was ahead of the curve on a management regime required by the Wilderness Act, known as Limits of Acceptable Change. The work I was doing for the Forest Service was crucial to the effective management of all Federal Wilderness Areas, but the funding became scarce, and I needed to find alternative employment.

Living in Bend with no job led me into my current vocation. I was able to combine my passions of mountain biking, Wilderness appreciation and sharing the outdoors with others. I decided to start my own business conducting commercial mountain bike tours and fill a niche in the local and regional tourism industry. I have also been active for several years doing voluntary trail maintenance throughout Oregon, including the Mt. Hood National Forest.

My company currently operates guided mountain bike tours on six National Forests, all in Oregon, including the Mt. Hood National Forest. The Special Use Permit under which my company operates currently allows our use of many trails within both the proposed new Wilderness areas and the Mt. Hood Pedaler's Demonstration Experiment (Title V). I have to say that when I was first told about this unique approach to resolving the bikes in Wilderness debate, I was elated. You have crafted something which, I think has great merit. The reservations I have about it mirror those of IMBA, and could be summarized by saying, "the devil is in the details." My primary concerns are these:

- There is not enough proposed land within this new designation. I worry that mountain bikers everywhere are going to be drawn to these areas simply from the standpoint that they are "Wilderness for mountain bikers" and this unintended rise in popularity will adversely impact the few trails therein.
- The further restriction of legal mountain bike use confines the same number of users (and Outfitter/Guides) to smaller areas, therefore increasing social conflicts.
- Because of the concentration of use, the range of recreational opportunities will be greatly reduced for mountain bikers. While we will still have the Semi-Urban to Rural riding opportunities, the primitive and semi-primitive opportunities, at least in the Mt. Hood National Forest will be reduced.
- It is primarily this last opportunity that Outfitter/Guides enable the general public to experience. Outfitter/guides fulfill an important public need, something which will be challenging to fulfill in the Mt. Hood National Forest.

Having stated these concerns, I wish to extend not only my heartfelt thanks that Senator Wyden has introduced such bold legislation, but to offer my help to the entire Oregon delegation to work to craft an agreeable solution. I applaud all those who have put in significant effort, including, but not limited to the Oregon Wilderness Coalition and the rest of my colleagues on the newly formed Oregon Mountain Bike Coalition. I am confident that these groups and others can work together to formulate a permanent and unique way to protect these beautiful areas.

I know that the history of our great country has benefited from visionary public officials which took bold steps to protect the very thing that makes America unique. We have the present Wilderness Preservation System, and our National Parks System as legacies of their vision. I look forward to the day that we can look back and thank you for having the vision and the perseverance to protect Oregon's last pristine areas and the recognition that mountain biking is a legitimate, low impact human-powered way to experience the outdoors. Further, I fully endorse the comments submitted by Chris DeStephano, IMBA Board Member, in support of this bill and the comments and proposed changes to specific sections of the bill made by IMBA.

Once people have had an experience in nature, they will be more motivated to preserve it. I am a self-described expert in funding these kinds of experiences and making them accessible to the public. If I can be of any more help, please let me

know. If something unique like this were to pass, it would have to come out of Oregon. That is why we choose to live, work and play here.

Sincerely,

WOODY STARR,  
*Owner.*

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NEVADA AD HOC WATER NETWORK  
*Reno, NV, September 23, 2004.*

Hon. LARRY E. CRAIG,  
*Member, Senate Energy and Natural Resources Committee, Washington, DC.*

Re: S. 2532, Lincoln County Conservation, Recreation and Development Act of 2004

DEAR SENATOR CRAIG: S. 2532 has been introduced by the Nevada delegation and we are giving the bills our full attention because of the serious ramifications this legislation has on rural and urban Nevadans and eastern Nevada ecosystems and for future generations of Nevadans. The Lincoln County Conservation, Recreation, and Development Act of 2004 (bill) circumvents federal policies and national laws related to environmental protection and management of public lands, therefore undermining environmental and economic protections for rural and urban counties and Indian tribes. The bills provide tacit Congressional approval of the first steps in turning eastern Nevada into another Owens Valley with the potential for severe environmental and socio-economic harm.

The breadth and depth of our concerns is reflected in the wide diversity of organizations and individuals who have signed-on to this letter—rural and urban residents, farmers and hunters, environmentalists and ranchers, wilderness and wildlife groups, scientists and state legislators.

Beyond our general concerns, we wish to state our very serious questions about this bill, especially on Title III, Utility Corridors:

1. RIGHTS-OF-WAY: Any language about rights-of-way is premature and unnecessary. There are existing administrative procedures to address the need for and locations of utility rights-of-way. The Bureau of Land Management (BLM) is currently writing a Resource Management Plan in which these proposals will be addressed. These federal laws and procedures provide for full and open public participation in these critical decisions on public lands and waters. We urge the delegation to drop all waivers of Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) requirements for this proposed action.

2. EMERGENCY: There is an unspoken assumption in the bills that because of the drought, Las Vegas has an emergency need for water and waivers of normal administrative requirements. Eastern Nevada is also suffering impacts from this severe drought. We share Former Governor O'Callaghan's concerns in a 1990 editorial ‘‘. . . destroying the natural environment in neighboring counties to satisfy the added development of an ever-expanding man-made environment of Las Vegas.’’ Before the exportation project is expedited by Congressional legislation, there should be an independent study on the entire State's water needs and supply options.

We have heard the arguments that 1.7 million residents in Las Vegas have a greater right to ground water in rural Nevada than the 3,700 residents of Lincoln County. We quote from O'Callaghan's editorial, ‘‘I doubt very much if a majority of today's residents of Las Vegas and Clark County want to siphon away the water needed by others. There's nothing wrong with seeking additional water from surrounding areas. But this should be done judiciously and in cooperation with the residents of those rural areas.’’

3. EIS REQUIREMENT: While we appreciate the bill's mandate for an Environmental Impact Statement (EIS) to be completed before the BLM grants utility corridors to the beneficiaries, the bill also mandates the BLM to grant the rights-of-way for the utility corridors. We question whether the EIS will be simply perfunctory since Congress has already mandated the utility corridors. This would signify that the ‘‘no action’’ alternative or any other alternatives will not be seriously studied in the EIS, thus negating the NEPA requirement for a full range of alternatives. We strongly urge a change in the language in section 301(b)(1) by substituting ‘‘may’’ instead of ‘‘. . . shall’’ in granting the rights-of-way. This may help clear up the apparent contradictory language in these bills. The decision on granting utility corridors should be based on the results of the hydrologic studies and environmental reviews of whether water is available for export without serious impacts on existing users and the environment.

We also urge the inclusion of language in the bills requiring a rigorous analysis in the EIS of the need for the proposed water exportation project and water pipeline utility corridors. We find no such justification in the bill.

4. REVERSION CLAUSE: In the event that the Nevada State Engineer denies part or all of the applications for ground water pumping and export, a provision should be added to the bills for reversion of the utility corridors within a certain time, perhaps five years.

5. NEVADA STATE WATER LAW: We believe that the bills' proposal to grant water pipeline rights-of-way corridors to the Southern Nevada Water Authority and Lincoln County Water District and its contractor, Vidler Water Company, through legislation is premature and unwise. These bills pre-assume that the State Engineer will approve the applications and transfers and constitute undue federal pressure on the State Engineer, thereby undermining State jurisdiction over state waters.

6. WATER AS A PRIVATE COMMODITY: We strongly object to the bills' water pipeline utility rights-of-way proposals. Congress should not facilitate and legitimize marketing water as a private commodity through Vidler Water Company's contract with the Lincoln County Water District. We strongly urge all provisions for utility corridors for Vidler Water Company and Lincoln County Water District be dropped from this federal legislation.

7. HYDROLOGIC STUDY: While we appreciate the bill's requirement of a hydrologic study, the bill does not authorize funding for it, limits it to only White Pine County, and restricts the study to existing conditions and does not determine the impacts of ground water pumping on existing users and environmental water needs. The geographic scope is too limited because the carbonate aquifer underlies all of eastern Nevada and has at least six flow systems, none of which correspond with the White Pine County boundaries. Funding should be authorized for an expanded study. It should include the entire carbonate aquifer, not just the part in White Pine County: this would include White Pine, Nye, Lincoln, and Clark Counties, several counties in western Utah and Inyo County in eastern California. It should also be expanded to assess the estimated impacts of ground water pumping and export on existing users.

This is by no means an exhaustive list nor a detailed list. We believe the bills violate the legislative intent of FLPMA and NEPA, are legally challengeable and set a dangerous precedent for circumventing existing environmental protection and public land management laws. We also think these bills are detrimental to the state and rural counties, especially Lincoln, White Pine and Nye in Nevada, several counties in Utah and Inyo County in California, further depriving them of economic opportunities because of the loss of rural water for exportation to southern Nevada. Huge amounts of additional water will further drive speculation and exponential growth threatening the quality of life of urban residents.

Water and wildlife do not obey county or state boundaries. Piecemeal legislation often creates larger and more diverse problems. Additionally, several national parks and wildlife refuges in Nevada are threatened by water exportation through pipeline corridors to Las Vegas. These include Death Valley National Park, Lake Mead NRA, Great Basin National Park, Ash Meadows National Wildlife Refuge, Desert National Wildlife Refuge, Pahranagat National Wildlife Refuge. Therefore, the organizations which have signed this letter object to S. 2532 and urge you to consider the issues and changes we have recommended.

Sincerely,

Organizations: Michael Garrity, Alliance for the Wild Rockies; Katherine Rountree, Baker Business and Tourism Council; Daniel R. Patterson, Center for Biological Diversity; Peggy Maze Johnson, Citizen Alert; George Barnes, Death Valley Task Force; Merlin McColm, Elko County Conservation Association; Elyssa Rosen, Great Basin Mine Watch; Veronica Egan, Great Old Broads for Wilderness; Karen Kish, Lahontan Audubon Society; Tina Nappe, Lahontan Wetlands Coalition; Gale Dupree, Nevada Wildlife Federation; Sophie Sheppard, North West Great Basin Association; Bob Fulkerson, Progressive Leadership Alliance of Nevada; Hugh Jackson, Public Citizen; Susan Lynn, Public Resources Associates; Ellen Pillard, Toiyabe Chapter of Sierra Club; Elden Hughes, Desert Committee of the Sierra Club, California; Terry Steadman, Trout Unlimited, Great Basin Chapter; Dennis Ghiglieri, Truckee River Yacht Club; Jon Marvel, Western Watersheds Project, Idaho; Holly Wilson, White Pine Citizens for Proper Representation; Bethanie Walder, Wildlands CPR, Montana; Mike Prather, Owens Valley Committee; and Frances Spivey-Weber, Mono Lake Committee  
 Citizens: Assemblywoman Sheila Leslie Assemblywoman Peggy Pierce; Former Assemblywoman Marcia de Braga; Louis Benezet, Pioche; Lorell Bleak, Panaca; Jim and Ann Brauer, Indian Springs; Paul and Lori Brown, Las Vegas; Jim Deacon, Las Vegas; Lance and Jo Dean, Elko County; Don Duff, Baker; Joy Fiore, Sandy Valley; JoAnne Gar-

rett, Baker; Jan Gilbert, Washoe Valley; Launa Hall, Las Vegas; Bevan Lister, Pioche; Farrel Lytle, Lincoln County; Pioche Manetta Lytle, Lincoln County, Pioche; James Martin, Reno; Alvin McLane, Reno; Kaye and James Medlin, Rachel; Ed Rothfuss, former Superintendent Death Valley National Park, Las Vegas; Don Shanks, Pioche; Keith Stever, Pioche; and Rose Strickland, Reno

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September 24, 2004.

Senator LARRY CRAIG, *Chair*,  
 Senator RON WYDEN, *Ranking Member*,  
*Senate Energy & Natural Resources Committee, Subcommittee on Public Lands and Forests, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN CRAIG AND RANKING MEMBER WYDEN: On behalf of the undersigned Oregon bike and tourism industry, we write to offer comments on S. 2723, the Oregon Lewis and Clark Mount Hood Wilderness Act of 2004. We applaud Senator Wyden's efforts to protect areas in the Hood River region and preserve the land, in its natural state, for generations to enjoy. We support the goal of providing more opportunities for Oregonians to get outdoors and to help further instill the ethic of land protection.

As you know, Wilderness designation prohibits bicycling. For this reason, bicyclists seek modifications of Wilderness proposals that will protect the land while continuing to allow this quiet, low-impact, muscle-powered recreation on significant trails. S. 2723, as written, could close to bicycling more than 200 miles of trails Oregonians have ridden for more than two decades. Mountain biking is an extremely popular sport in the state and we encourage the committee to amend the bill to accommodate trails for cyclists.

We generally support the goal of S. 2723, to protect the Mount Hood area from development, road building, mining, commercial logging, and the other pressures from our rapidly expanding society. However, since mountain bicycling is extremely popular in the region, we cannot support Wilderness in many areas of the bill. We believe that formal Wilderness protection is only one tool to protect the land, and that there are many other ways to achieve the goal of land protection while allowing for continued bike access.

It is important that Congress understands the impact Wilderness trail closures would have on Oregon tourism and bike related industries. Bike industry, bike shops, restaurants, gas stations, lodging establishments, and mountain bike touring companies will be among those affected when mountain bike access is restricted. We encourage Senator Wyden to continue working with the International Mountain Bicycling Association and their Oregon affiliated clubs to accommodate existing and future bicycle trail access. Once adjustments have been made, we hope Congress passes legislation which protects the land in perpetuity.

Last year more than 39 million Americans participated in singletrack bicycling and almost 7 million consider themselves enthusiasts (Outdoor Industry Association). In Oregon, mountain biking is a popular sport with close to 400,000 people participating in 2003 (Outdoor Industry Foundation).

Oregon has a long history of innovative public policy solutions and unifying groups for a common goal. We encourage the Oregon delegation and the entire committee not to confine the debate to historical Wilderness definitions. We thank Senator Wyden for starting down this path by proposing the Mount Hood Pedalers Demonstration Experiment Area (Hood-PDX), which would manage 13,000 acres like Wilderness, while allowing for continued bicycle access. We hope Oregon will set a national model for protecting the land and accommodating existing bike use of this growing sport.

At stake in S. 2723 are fabulous riding routes such as Larch Mountain, Bonney Butte, Frog Lake, Sandy River, Devils Peak, and Roaring River. These beautiful trails attract cyclists from around the state and around the nation. Cyclists spend money on lodging, food, gas, and at their local bike shops. They hire tour guides, buy cycling gear, and generally bolster the local economy.

Thank you for the opportunity to submit comments on this precedent setting legislation. It is extremely important to the mountain bike community that Congress understands the role cycling plays to the economy, the health, and the quality of life of Oregonians. Please work to pass legislation that protects the land, but doesn't displace cyclists from trails they have ridden for years.

Sincerely,

OREGON BICYCLING INDUSTRY.

## STATEMENT OF HON. JON PORTER, U.S. REPRESENTATIVE FROM NEVADA

Good morning, I would like to thank the Chairman and members of the Subcommittee for holding this hearing today on S. 2532, the Lincoln County Conservation, Recreation, and Development Act of 2004. I appreciate you allowing me to testify in support of this valuable legislation. I would also like to thank Senator Ensign and Senator Reid for introducing this legislation and for all of their hard work on this issue. I am proud to be a cosponsor of the House version of this legislation, HR 4593, which was introduced by Congressman Gibbons. During hearings by the House Committee on Resources Subcommittee on National Parks, Recreation, and Public lands I had the opportunity to offer testimony in support of HR 4593 in July of this year. This legislation represents an important compromise and enjoys strong bipartisan support from the entire Nevada Congressional delegation.

The Lincoln County Conservation, Recreation, and Development Act of 2004 is important legislation for Nevada. Representing Nevada's Third Congressional District and the people of Las Vegas, Henderson, Boulder City, Laughlin, Searchlight, and the Moapa Valley, I would like to focus on the additional resources this legislation will help bring to Southern Nevada. The area I represent in Congress is one of the fastest growing areas in the nation. The growth of Clark County has been significant, and is a tribute to the leadership of our elected and administrative officials, the hard work and dedication of local developers, and the economic success of the Las Vegas region.

We have worked hard in Southern Nevada to ensure the organized, strategic and orchestrated growth of our community while still maintaining and preserving many of Nevada's environmental treasures and resources. This growth, while impressive, has created and placed new and increased pressures on our existing precious resources, such as infrastructure, education and water. In my 20 years in public office, I have seized opportunities to better manage this growth and the responsibilities and liabilities it brings. I see the Lincoln County Conservation, Recreation and Development Act as legislation that can benefit Southern Nevada, Lincoln County, and the state of Nevada as our economy and population continues to grow, specifically with the development of additional water resources.

At a time when Clark County continues to lead the nation in growth with thousands of new residents each month, Nevada has access to the smallest water allocation of the seven states using the Colorado River. In response to the growth of Clark County, the Southern Nevada Water Authority (SNWA) was formed in 1991 to co-ordinate regional water supply issues, promote conservation, acquire additional water resources, and develop the treatment and transmission facilities needed to deliver water to the local community.

The history of Southern Nevada is tied to water. The increases in population and demand have been rapid and large, and long term forecasts of growth and water demands have typically underestimated the actual results, often by large margins.

In 1922, the Colorado River Compact defined the geographic areas of the upper and lower basins of the Colorado River. It also apportioned 7.5 million acre-feet per year to the upper basin and the same amount to the lower basin, which includes Nevada. The 1928 Boulder Canyon Project Act authorized the apportionment of 300,000 acre-feet per year to Nevada, which at the time was viewed as a more than reasonable amount as no one foresaw the changes that would occur in the future. However, by 2002, Southern Nevada's population had increased to 1.6 million people, most of whom reside in the Las Vegas Valley, and water use had increased to approximately 520,000 acre-feet, almost all of which was Colorado River Water. As a result, we must remain committed to maximizing the use of available Colorado River water while at the same time making use of existing in-state resources.

As drought continues in the West and our state continues to grow, the development of in-state water resources grows increasingly important. This legislation will help with the proposed development of our in-state resources intended to diversify our water supply and supplement Nevada's water entitlement from the Colorado River. The Lincoln County Conservation, Recreation, and Development Act will help to expedite a solution to Southern Nevada's current water situation without compromising public involvement and environmental compliance.

For the past decade, Colorado River water and conservation have been the most cost-effective options to meet demands in Southern Nevada. However, as we plan for the future, the continued development of additional water resources has become necessary. Development of in-state water resources will provide Southern Nevada with a long-term, reliable water supply to meet the increased demands of a growing population and ensure supply during times of drought. Accessing these resources requires significant investment, and S. 2532 is an important step forward in achieving these goals.

Once again I would like to thank the Chairman and members of the Subcommittee for allowing me to testify. I look forward to continuing to work closely with my fellow members of Nevada's Congressional Delegation, members of the House Resources Committee and Senate Energy and Natural Resources Committee, and distinguished community officials and leaders to examine this important legislation.

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STATEMENT OF FREDERIC C. JOHNSON III, PRESIDENT, INDUSTRIAL MINERAL DEVELOPMENTS, INC., AND LICENSED PROFESSIONAL GEOLOGIST, LAS VEGAS, NV

Honorable Mr. Chairman, thank you for this opportunity to offer some testimony and suggestions on this legislation. I am a licensed professional geologist with over 30 years of experience in the environmentally responsible development of mineral resources for the betterment of local, state and national economies throughout the western states and especially in Nevada. I am primarily an Industrial Minerals geologist.

CONCERNS

For the most part this legislation has many benefits for Lincoln County and long term benefits for Clark County, Nevada; however, I am not alone when I echo local residential concerns over the expansion of wilderness designations without proper studies that previous environmental laws NEPA and FLPMA mention to determine the effects of wilderness designation on the economic livelihoods of local residents.

It is disconcerting that there is NO Minerals Section in this legislation. I strongly urge that proper mineral inventory be cited and that a minerals section be added to this legislation.

Industrial minerals and materials are the building blocks of all society, and the access for exploration and development of these minerals is vital to the economic and socio-economic structure of local as well as state economies and cultures. It is a little known, but factual average that every human being in the United States uses over 40,000 pounds of minerals each year of his or her lifetime.

I am very concerned that insufficient to no mineral and mineral potential inventories have been done in several areas proposed for Wilderness inclusion. This could cause economic harm to the County of Lincoln, the State of Nevada, and the Country by prohibiting economic development, and draining energy to truck or move materials needed for growth from sources outside of the County or State when they may be available near sites of use.

As noted, this legislation has many good points and is highly desired by many officials, but the Wilderness designations in areas recommended unsuitable for wilderness and in areas never inventoried for potential economic resources is woefully inadequate to protect Lincoln County's future. For this reason, and because I have learned through my 30 years of experience that flexibility is the key to success; my testimony on S. 2532 will be directed at the negative potential of this legislation to remove lands from the exploration for and the development of industrial mineral wealth. This wealth is there and is presently needed in neighboring Clark County and will be needed to develop the new Lincoln County lands given by this same legislation. Undiscovered and untapped mineral potentials in un-inventoried lands proposed for Wilderness in Lincoln County, Nevada can be locked away from future use and actually hurt the rural local economy. This potential mineral wealth is well suggested and indicated by records and documents of the Nevada Bureau of Mines (NBM). One example of this type of documentation is NBM Bulletin 73 on Geology and Mineral Deposits of Lincoln County, Nevada that was prepared in cooperation with the United States Geological Survey in 1970. One has only to look at the industrial mineral traffic that travels daily nearby this County on the nearby 1-15 Cana-Mex corridor to understand the importance of finding close by industrial minerals in mineral rich Lincoln County for growth and energy conservation. I know that there are many good things in this legislation for Lincoln County, but in the rush to get these gains for the County and for neighboring Clark County a large part of Lincoln County's future is being overlooked by disallowing the use of local minerals to supply local growing markets. The fact that there is no mention of minerals in the entire text of the legislation makes it very obvious to a resource professional that the mineral resource potential of the un-inventoried lands proposed for wilderness have either been overlooked, or have been thoroughly (probably unintentionally) misrepresented. I suggest some study of the lands proposed for mineral withdrawal before wilderness designation.

## WATER

Another important concern is the language of the legislation that refers to water in the proposed wilderness areas. In Sec. 204.(d) Water Rights (1) Findings (D) “the land designated as wilderness by this title is generally not suitable for use or development of new water resource facilities. What research is this statement based on? And how can something that will forever be impacted as Wilderness exclusion be generalized?

The word “Shall” is always taken as a strong directive when issued from Congress to a managing agency and should only be used in direct short sentences that cannot be misconstrued by interior solicitors. There should be no room for interpretation in a “shall” directive. I suggest that the language in Sec. 204.(d)(3) NEVADA WATER LAW—be changed to state only that “The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain any water rights.” Strike the ending clause about designated wilderness to disallow interpretation of intent. The intent is addressed in 204.(d)(2)(A). It seems that an “otherwise” noted in 204.(d)(4)(B) would be 204.(d)(2)(B). Is this intended as such or are the two items in conflict with each other. It seems that the uncertainties here would direct and allow the United States to unfairly acquire and develop water and water rights in Wilderness areas. This would be unfair because who else would want the water rights that could not be developed in Wilderness areas? How would development for beneficial use as required by the State be done in adherence to the Wilderness Act of 1964. I know there is a rush to pass this act, but care should be taken to not exceed the 1964 Act with exceptions and leave this legislation up to legal judicial contest.

## MINERALS AND ACCESS AGAIN

Honorable Mr. Chairman, Honorable members of the Subcommittee, and Honorable members of the full Committee please consider the following list of concerns on minerals and access :

- Only the BLM suitable WSA's and a few portions of unsuitables were ever inventoried for mineral resources.
- These BLM-U.S. Bureau of Mines inventories were done with old technology and incomplete databases that could certainly be enhanced with new mineral inventories done using our much improved abilities to inventory mineral potential.
- This legislation is lacking a tool to inventory lands that were deemed unsuitable by BLM for Wilderness and those new areas proposed for Wilderness in S. 2532.
- Several new areas that were not even WSA's are being proposed for Wilderness in this legislation with out any inventory of minerals at all.
- Some of the new areas such as the East Mormon Mountains are laced with roads and prospects that obviously disqualify them as Wilderness.
- Present literature indicates high industrial mineral and material potential in some of the new Non-WSA areas being proposed for Wilderness.
- The effects of the withdrawal of 750,000 acres of ACEC's from mineral entry in the Clark County Bill of 2002 are driving mineral exploration into neighboring Counties like Lincoln County to look for future industrial use minerals.
- Clark County presently has applications from 2 companies to build a Cement plant to supply growth in southern Nevada.
- The making of Cement has to have the use of the following industrial minerals that are found nearby in Lincoln and Clark Counties within withdrawn and proposed Wilderness lands: Iron, Clays and ashes for pozzolan, Aluminum rich minerals (clays found in Lincoln County near and in proposed un-inventoried wilderness and proposed ACEC's, gypsum as a sulfate source (Nearby Lincoln and Clark Counties), and special types of silica and aggregate.
- Other minerals such as Wollastonite (a Calcium Silicate) are important in the making of glass are known to border and may trend into some proposed wilderness areas designated in the Lincoln County HR 4593 legislation.
- A previously un-known potential for platinum and nickel group metals is included in un-inventoried Wilderness proposals.

In short, the indiscriminate and unstudied removal of important mineral resources from use adjacent to developing areas such as Clark County and the proposed disposal areas in Lincoln County have profound un-intended consequences that should be weighed and adjusted for before passage of this legislation. Growth in Clark and Lincoln Counties will not stop; therefore, industrial minerals for growth will be needed. Resources need to be identified and left open for exploration and entry by those entrepreneurs who would take the risk to help the economic de-

velopment of community. Intense restrictions on nearby identified resources drives development and jobs away from the areas of need and they fuel an ever spiraling Energy Crisis with increased transportation and fuel costs. The continuing and escalating removal of mineral lands from development not only hurts local people but it hurts our nation in a time of need by increasing our dependence on foreign materials and exporting our jobs into countries with less environmental conscience. The passage of this legislation without proper study of the consequences of proposed wilderness designation on Energy goes directly against the President's May, 2001 Energy Executive Order # 13212 that has the best interests of our Country in mind.

I know that there is a strong push to get this legislation passed, but for all of the above reasons and the future of Lincoln County, I would respectfully ask that the Committees and Sub-committees look closely at inventorying the proposed new un-inventoried areas before designating them as wilderness. Let us do as it says on the House Natural Resources web-site title by using "Science and Common Sense in Environmental Policies".

#### SITE SPECIFIC COMMENTS

Honorable Mr. Chairman, I offer the following comments on specific un-inventoried sites. Some of these areas were not Wilderness Study areas but were "whole cloth" (out of "no inventory" wilderness) and some of the areas proposed were originally recommended "Unsuitable" for wilderness. In fact the Nevada Division of Minerals has strongly advised against this type of "out of nowhere" wilderness. I respectfully think that all the areas that were not originally wilderness study areas should be held in abeyance until mineral inventories are done to insure that Lincoln County, the State, and the Country will not lose the economy and benefit of needed minerals for their future. I will supply maps and data to the Subcommittee for review via mail. I pulled the BLM claim files and will include them with maps and comments.

This is not an inventory but a list of specific area concerns noted by review of mining claim data, reported mineral data, and maps and satellite and aerial photos of the mentioned areas. One way to conduct a quick inventory of known or once known minerals is to search the BLM Claim index of active, closed and void claims to denote areas that are and were of interest to exploration companies. Areas that show heavy claiming should be checked out by searching the BLM WSA database, by looking at mineral reports done by the Nevada Bureau of Minerals and USGS publications. This type of inventory with some on the ground proofing should be done to set boundaries on new areas and all areas going into wilderness, and until this is done boundaries should remain fluid. This would also hold true for inventories for environmental reasons. One must understand that for the last 25 years of Wilderness Study area listing, no mining companies wish to explore in these areas that cannot be developed; therefore, there has been no recent exploration.

Note that the Claim data used includes new, active, and old un-active claims because it is a proven fact that old mining areas many times are the target for new mining and exploration technology. And it is a know fact that the lack of known minerals does not mean the lack of minerals.

#### *EAST MORMON MOUNTAINS (New ? No inventory, Active discovery area, Roads and Mining digs seem to make area un-suitable.)*

The geology of the East Mormon mountains includes un-mineralized Paleozoic limestone at the center higher elevations with contacts above much older mineralized Pre-Cambrian metamorphic rocks on the lower flanks near the east and west (main Carp road) road accesses. On the east side of the range a very prominent fault contact is visible from photo and on the ground between the older intruded Pre-Cambrian mineralized section and the Paleozoic limestone that makes up the center of the range (See maps). Tschanz and Pampeyan (1970) noted the mineralization in Nev. Bur. Of Mines and Geology Bull. 73 and later, NBMG Report 45 by Tingley (1989) expanded on mineralization in the East Mormons with USGS assays (See report).

- Mineralized areas and prospects on both the east and west sides of this newly proposed wilderness are accessed by RS 2477 roads (see maps)
- Mineralization occurs in older Pre-Cambrian rocks as heavy ultra mafic rocks that can have several industrial uses, as high grade disseminated tungsten (sheelite) and precious metals mineralization as noted by the Nevada Bureau of Minerals and the U.S. Geological Survey.
- The east central portion of the range has been heavily prospected, roaded, and even has some old 1940's housing structures.
- This portion of the range is obviously not Wilderness characteristic.

- There are at least 2 companies that are working toward mineral extraction permits in this range. Exploration has been going on for over a year because this was one of the mineralized areas that was not in a Wilderness Study area, and now it is proposed for Wilderness.
- I have some claims in the range and have been prospecting them for over a year.
- How is one to know where to prospect and expend effort and money toward mineral development when there is no announcement that the area is to be included in Wilderness. This is certainly unfair to business.
- Roads are evident into the area from the western portion of the range toward from the west to east.
- After removal of so much area in Clark County from mineral development including decorative rock, some companies moved into Southern Lincoln County where there were no Wilderness Study areas, and the East Mormons is one of those areas.
- Please look at the maps and USGS photos I have included with this testimony and re-consider putting this obviously unsuitable area in Wilderness.

*WEST MORMON MOUNTAINS (Partially Suitable Edges need some adjustment)*

The core of this area was recommended as suitable for wilderness; however there are several access roads (RS 2477 roads) into the range that should be cherry-stemmed. In addition there are several mineral deposits that I'm sure have received some study by the U.S. Bureau of Mines and U.S. Geologic Survey. These areas and the areas that are mineralized that were and are under claim should be the bordered as the cherry at the end of the stem (road). A Vermiculite deposit (noted in the Nev. Bureau of Mines Bulletin 73) is located on the west side of the range and potential Iron deposits to the North at the end of a cherry-stemmed road are examples of important minerals that need attention. Lower BLM recommended unsuitable areas in this range were because of the access roads that should disqualify these portions from wilderness. See the list of claims by Township and Range with penciled comments.

*MEADOW VALLEY RANGE (Central Core Suitable, Edges recommended unsuitable, some un-suitable taken in proposal needs review and adjustment)*

A very important and pure Gypsum Deposit is located and claimed above the railroad in T 10S R 66E. A portion of this deposit is not in the proposal, but the inclusion of more BLM un-suitable area than was originally inventoried by BLM is including some of the claims and not leaving room for mining of this deposit. The boundary in this area needs adjustment. Large companies have expressed interest in this deposit. There are also some deposits of Perlite with active claims in the northern part of the range near the proposed wilderness boundary.

I have also included the claim research for this range (see data).

*CLOVER MOUNTAINS (Central Core Suitable, Some edges recommended unsuitable, some areas taken in proposal need review and adjustment)*

This range is highly mineralized in part and has some active claims that may be enclosed on the Northwest edge of the range around the known gold bearing areas. I strongly recommend looking closely at the BLM data (U.S. Bureau of Mines, and USGS) data to insure that areas with road access to mines and prospects are cherry-stemmed and cherries are put around potentials if possible to allow room for mining. The Clovers have Iron, Hi-Aluminum Clays, Calcium silicate, and gold. A sizeable deposit of Wollastonite (Calcium Silicate), an important industrial mineral in making glass and other ceramics, is located along the Southeast border of the proposed wilderness and it is unknown if there is a continuation of this mineralization into the proposed wilderness. I have included the claim research for the proposed area by Township and Range from the BLM files. There are some interior roads that will need cherry-stemming. I have personally driven to several mineralized areas along the edges of the Clover Mountains proposed wilderness.

*DELAMAR MOUNTAINS (BLM Recommended Unsuitable)*

This range was originally recommended un-suitable by the BLM. The claim research shows very few claims in the portion of the range proposed for wilderness. There are some roads that should be cherry-stemmed (more roads than noted on the maps are seen on photos) and some are important access to wildlife conservation projects. Actual amendments to the Wilderness Act of 1964 would have to be done to allow vehicular access to the wildlife projects. If any data is available to support BLM's unsuitable determination, it should be reviewed. Claim data and maps are included with these comments.

*MOUNT IRISH (New) was not a WSA (Northeast portion needs review of data)*

Aside from the road access that should be cherry-stemmed, the South and Northwest portions of this proposed area have and have had no claims (see data). However, there is some evidence that mineralization is in the Northeast portion of the proposed area. This is another area that was not even a wilderness study area. See Claim data enclosed and maps.

*BIG ROCKS (Another New Non-WSA area)*

This area proposed for wilderness is not a WSA. Claim research indicates some past claims by a gold mining company. These claims are old and there is no indication of intense mineralization in this area. For proper inventory, this area would need a field check by a geologist. See Claim data enclosed.

*FORTIFICATION RANGE (BLM Recommended Unsuitable)*

Claim research of this area shows claims outside the proposed area but not in it. Old BLM data should be consulted for their inventory to insure that something that make the area non-suitable is not overlooked. Claim data enclosed.

I think this claim inventory approach should be taken in the other areas proposed for wilderness inclusion to understand where the potentials may be.

Thank you for this opportunity to testify and supply some data on the important wilderness portion of the Lincoln County Legislation.

## SUGGESTIONS

I respectfully submit that the un-inventoried areas can be researched by literature and maps in a rapid fashion (use the Lincoln County Report and others). Actual ground truthing would be necessary in only a few areas, and of course not everything will be found. I believe that a caveat needs to allow flexible boundaries in un-inventoried wilderness for later found resources that can be developed with mitigation to other resource concerns and boundary changes that allow no net loss of stated Wilderness acreages. A very good way to preserve unknown potential and still get wilderness is to follow the desires of the County and cherry-stem all roads. Each road went to its destination with a purpose and all old mining areas had an RS2477 road access. In this case, identify the "cherry" (mining area) that the stem was for and put it into the cherry stemmed area to allow development if the resource meets all the other tests for viability. A lot of this can be done with maps and reports and I would gladly help this effort to preserve the AREAS of CRITICAL MINERAL and ENERGY CONCERN in Lincoln County. Provisions in S. 2532 should be made so that if large resources are found along the borders of instated Wilderness and they can be responsibly developed, then managing agencies can shift the boundaries by give and take with no net loss of wilderness acreage. The RS 2477 issue has not been resolved and it would not be wise to put any County Roads in Wilderness without cherry-stemming (RS2477 Oversight Hearings in the Resources Committee, June 28, 2004). In fact a special paragraph protecting the County's RS2477 access right should be crafted for inclusion in this legislation.

Finally, I sincerely believe that few of the people of Lincoln County actually understand the positive and potentially negative ramifications of this legislation. If more time was given for press to get information to the people and for their continued testimony, then the final product may reflect a wider public view with more good ideas. The recent "town hall" type meeting with our delegation in Panaca was a good example of the unfortunately un-informed public. When Hon. Senator Reid answered Honorable Commissioner Tommy Rowes' statement that he felt that Lincoln County had been compromised with the expansion of the Wilderness; Hon. Senator Reid replied that without compromise we might as well not even have a Bill. This statement brought cheers from the majority of the people at the meeting, prompting the thought that if they only understood?

Again I would like to express my sincere thanks for this opportunity to join in the legislative process in this greatest Country of all where any individual under the law has the right and obligation to join in the legislative process so that we may always remain a government "by the people".

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STATEMENT OF CHRISTOPHER KRUPP, WESTERN LAND EXCHANGE PROJECT,  
SEATTLE, WA

My name is Christopher Krupp, and I am the staff attorney of the Western Land Exchange Project, a non-profit organization monitoring federal land sales and exchanges and working for long-term substantive reform in federal land disposal policy. I submit this testimony to urge you to oppose S. 2532, the Lincoln County (Ne-

vada) Conservation, Recreation, and Development Act of 2004 and request that this be entered into the record.

Title I of the bill would order the sale of more than 100,000 acres of public land in Lincoln County. There is no sound basis for a public land sale of this magnitude anywhere, much less in a county with fewer than 4,000 people. Worse, the bill defies the normal practice of returning the proceeds from public land sales to the Treasury's general fund. Instead, it directs that 45 percent of the proceeds be paid directly to Lincoln County for use for economic development. This is a terrible precedent to set, and it is easy to imagine many county governments seeking similar bills for themselves in the next Congress. The press has already reported that Elko County, two counties to the north of Lincoln County, is busy preparing a draft of a bill similar to S. 2532 for its own wants. I do not wish to discount the significance of many counties' current budget difficulties, but Federal lands are for the benefit all Americans, and not to serve as a quick source of cash for local governments experiencing budget shortfalls.

Title I also contradicts an earlier Act of Congress and overturns a recent federal court order. The Lincoln County Land Act of 2000 ("LCLA"), P.L. 106-298, directed the Secretary of the Interior to sell 13,500 acres of land to the highest bidder, but only after complying with the National Environmental Policy Act ("NEPA"). The Western Land Exchange Project, the Center for Biological Diversity and the Committee for the High Desert sued the Bureau of Land Management when it neglected to comply with NEPA. The United States District Court for the District of Nevada found for the plaintiffs and ordered the Bureau to re-do its environmental analysis before trying to sell land under the authority of the LCLA. But Title I explicitly instructs the Interior Secretary to disregard the LCLA and implicitly directs her to pay no heed to the federal court order when selling the 13,500 acres within 75 days of the bill's passage.

S. 2532's Title III is another big giveaway of public assets to local interests. It would establish almost 450 miles of utility corridors for two water providers, as well as require the Secretary to grant no-fee rights of way to the two providers, both inside and outside the corridor. The Federal Land Policy and Management Act of 1976 ("FLPMA") established procedures for designating utility corridors and authorizing/leasing rights-of-way across public lands. This bill would sidestep those long-standing procedures for the 100% post-consumer content benefit of the two water providers, one of which is a for-profit joint venture between Lincoln County and a corporation to market and sell water outside Lincoln County.

Title III would also further sprawl in the desert, as the utility corridors and rights-of-way are for a pipeline to take water from rural Nevada to Las Vegas. With this bill, sprawl in the Las Vegas Valley will become a vicious cycle, with additional water supplies furthering additional development demanding additional water supplies.

Title III wants to have it both ways regarding environmental analysis, in that it requires an environmental study but then prohibits consideration of the study when it comes time to authorize projects. On one hand, Title III orders the Interior Secretary to comply with NEPA before she grants any rights-of-way. But it also gives the Secretary no discretion to contemplate the results of the NEPA analysis—that is, she has no choice but to grant the rights-of-way, no matter what NEPA analysis shows the impacts to be. If the bill sponsors are sincerely concerned about the environmental impacts of the utility corridors and rights-of-way upon a fragile desert, a more thoughtful approach would be to grant the Secretary the discretion to decide whether or not to grant the rights-of-way.

In addition to the sale of 100,000 acres of public land under Title I, Title V of S. 2532 would grant, for free, more than 13,000 acres of public land to Lincoln County and the State of Nevada to use either as open space parks or to conserve natural resources. I have visited Lincoln County and I cannot fathom the slightest need for additional open space. Nor can I conceive any benefit to turning responsibility for conserving natural resources over to the State and County for the lands in question.

Title VI would relocate an unoccupied transmission corridor from undeveloped private land to public land formerly part of a Wilderness Study Area and currently within the Desert National Wildlife Refuge. Title VI directs an arcane method for calculating the market value of the transmission corridor on private land. The valuation method would greatly underestimate the current market value of the transmission corridor, resulting in a windfall for the private landowner.

In summary, I urge you to oppose S. 2532. The bill places local Nevada interests well above the interest of the American public. It also disregards long-standing law in establishing utility corridors and rights-of-way, and unnecessarily overturns a federal court order directing the Bureau of Land Management to consider a broad

range of environmental impacts before disposing of public land. Thank you for your consideration.

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**STATEMENT OF GREGORY H. APLET, PH.D., SENIOR FOREST SCIENTIST, THE  
WILDERNESS SOCIETY**

As a forester and an ecologist with over 25 years experience in this field, I appreciate the opportunity to submit testimony in opposition to the National Reforestation Act of 2004. Throughout my research career, I have studied the recovery of vegetation from disturbance and published dozens of articles and chapters on disturbance ecology and its implications for forest management. I have concluded that S. 2709 would not enhance sound management of federal forestland.

I am submitting this brief testimony to ensure that three simple truths about reforestation become part of the hearing record: 1) that artificial reforestation following natural disturbance is largely unnecessary, 2) that artificial reforestation short-circuits natural recovery processes, and 3) that reforestation leads to uniform, simple forest stands, with high fire risk and little wildlife or conservation value.

**ARTIFICIAL REFORESTATION IS UNNECESSARY TO THE RECOVERY OF FORESTS FROM DISTURBANCE**

Fire, windstorms, insect outbreaks, and other disturbances of forest ecosystems have been part of the dynamics of forests for as long as there have been forests. As a result, the species that occupy those forests have developed adaptations to those disturbances that allow forests to recover—without any help from humans. Windblown seeds, serotinous cones that open after fire, and sprouting from underground structures are familiar adaptations to fire. It may take a little while, but forests generally grow back after disturbance.

As a result, artificial reforestation is generally unnecessary to recover a forest following natural disturbance. Instead, reforestation is conducted for the purpose of shortening the recovery period and accelerating the period during which wood can be grown in a fully stocked timber stand. While there are land owners, particularly commercial timber companies, who benefit from accelerating timber growth, public lands are managed under a multiple use mandate, where timber is but one value produced from the forest. Reforestation is an intensive timber management practice that should be reserved for where fiber production is the main objective.

**REFORESTATION SHORTCIRCUITS NATURAL RECOVERY**

As mentioned, the purpose of reforestation is to shorten the period of time during which non-forest vegetation occupies the post-disturbance environment. In many cases, however, that post-disturbance vegetation is very important to the ecosystem. Many species are adapted to open, post-fire conditions and many more benefit from the pulse of grasses, wildflowers, etc. that flourish following fire. Meadows and shrublands form important wildlife habitat for species that also occupy the forest. It has been reported that in our zeal to eliminate fire and quickly reforest following clearcutting, we have virtually eliminated post-disturbance vegetation from the landscape. According to Dr. Jerry Franklin, “naturally recovering—unsalvaged and unplanted disturbed habitat is currently the rarest type of successional habitat in the Pacific Northwest, much rarer than old-growth habitat.”

In addition to eliminating an important forest structural stage, reforestation with timber species may also interfere with the recovery of forest fertility. Post-fire species such as lupine and alder add nitrogen to the soil that can remain available for tree growth for decades or more. Reforestation usually involves commercial tree species, such as Douglas-fir, that do not fix nitrogen. Accelerating Douglas-fir forest development shortens the period of time over which soil fertility increases, leading to long-term reductions in soil fertility.

**REFORESTATION RESULTS IN UNIFORM FORESTS OF LOW CONSERVATION VALUE AND INCREASED FIRE RISK.**

As an intensive management practice, reforestation generally aims to produce uniform, “fully-stocked” stands of trees that will yield maximum wood volume over time. Such stands have even spacing and a uniform, closed canopy that allows little light to penetrate and support understory plant growth. The uniformity is exacer-

bated by salvage logging that removes the post-disturbance “legacy” of snags and down logs. As Franklin and others<sup>1</sup> noted,

The diversity of structures, importance of spatial pattern, richness of developmental processes, long time periods essential, and especially, the complex contribution of disturbances to stand development processes typically receive little attention in traditional silviculture . . . Management goals have been to minimize variability in tree size and condition and create spatially homogenous, fully stocked stands. These traditional regimes are not based upon models of natural stand disturbance and development, as they are currently understood.

Forests recovering naturally from disturbance are not as dense or uniform, allowing more light to reach the forest floor and support other species, and they maintain abundant coarse wood legacies, enhancing the diversity of the recovering stand.

In addition to producing stands of low conservation value, the resulting dense, uniform stands have been shown to present a fire hazard. Researchers in California have found the dense, uniform conditions of artificially regenerated forests to be ideal conditions for unnaturally hot fires.<sup>2</sup> In the Southwest, research has shown that post-fire plantations have either failed entirely or come back in moderate to “excessively high” densities,<sup>3</sup> precisely the opposite result of the intent of current restoration efforts in the region aimed at establishing low-density forests. These high-density stands carry high-intensity crown fires, rather than the cool underburns that are the objective of management.

In summary, because forests are generally well adapted to recover from disturbance, artificial reforestation is unnecessary to ensure the long-term survival of forests. Reforestation instead leads to conditions that accelerate timber production, increase fire danger, and harm biological diversity and long-term forest health. Artificial reforestation is an appropriate practice in commercial timber plantations where foresters, as Aldo Leopold observed, “are content to grow trees like cabbages,” but it is not to be encouraged under the multiple-use mandate of the national forests. At a time in which so much attention is being placed on fire risk on public lands, it is ironic to see legislation introduced that may exacerbate fire risk on federal lands.

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STATEMENT OF DR. DOMINICK A. DELLA SALA, DIRECTOR, WORLD WILDLIFE FUND’S  
KLAMATH-SISKIYOU PROGRAM

As a forest ecologist with over 20 years experience in forest ecosystems, including fire and forest health, I am submitting this testimony in opposition to S. 2709, the “National Reforestation Act of 2004.” I request that my statement be included in the hearing record.

I have been involved in numerous studies related to forest ecosystem health and recovery of forests following wildland fires throughout the West. Moreover, I have published dozens of peer-reviewed articles on fire ecology, including serving as a guest editor for the journal *Conservation Biology*, which recently published a special feature on Western fires. In support of my testimony, I am attaching a summary of this special feature and concerns expressed by scientists regarding the need for ecologically based restoration of landscapes following large wildland fires.

I have four primary concerns about S. 2709: (1) proposed reforestation measures in moderate and high fire intensity landscapes will inhibit natural post-fire recovery processes vital to ecosystem health, fire resiliency, and biodiversity; (2) reliance on salvage logging will cause significant damage to post-fire recovery processes; (3) conversion of naturally recovering landscapes to tree plantations will come at the expense of biodiversity and fire resilient properties of forests; and (4) funds directed to forestry schools will not address broader ecosystem recovery needs following natural disturbances. Below I discuss these concerns in detail.

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<sup>1</sup> Franklin, J.F., Spies, T.A., Van Pelt, R., Carey, A.B., Thornburgh, D.A., Berg, D.R., Lindenmayer, D.B., Harmon, M.E., Keeton, W. S., Shaw, D.C., Bible, K., and J. Chen. 2002. Disturbances and structural development of natural forest ecosystems with silvicultural implications, using Douglas-fir forests as an example. *Forest Ecology and Management* 155:399-423.

<sup>2</sup> Weatherspoon, C.P. and C.N. Skinner. 1995. An assessment of factors associated with damage to tree crowns from the 1987 wildfire in northern California. *Forest Science* 41:430-451.

<sup>3</sup> Dr. Melissa Savage, personal communication.

AGGRESSIVE INTERVENTION IS ECOLOGICALLY RISKY IN LANDSCAPES RECOVERING  
FROM FIRES OF MODERATE TO HIGH INTENSITY

For millennia fire has been a key ecological process essential to the health and productivity of forests and rangelands across much of the Western United States. Forests are uniquely adapted and resilient to large fire events, even those that burn under high intensities. Studies from Yellowstone National Park<sup>1</sup> to the Biscuit fire area in southwest Oregon<sup>2</sup> reveal a surprisingly quick rate of recovery even after the most intense fires. For instance, scientists<sup>3</sup> recently performed Geographic Information Systems (GIS) mapping and satellite imagery interpretation of the Biscuit burn area. Based on this study, more than 90% of burned patches were within 660 feet of unburned areas that provide natural seed banks for recovery following fire. In addition, for the past 2 years, I have been documenting recovery processes on-the-ground within the Biscuit area observing recovery of rare plants, hardwood trees, and resprouting of conifer seedlings after this large fire event. These processes are being facilitated by the interaction of burned and unburned patches in the surroundings. My observations agree with other scientists that have documented similar natural recovery processes at work following the Yellowstone fires of 1988.<sup>4</sup> In both areas, recovery following large and intense fires was readily apparent within a few years and scientists cautioned about replanting burned areas since this would inhibit natural recovery processes from restoring healthy landscapes following fires.

Many scientists concerned about impacts to native plant communities and erosion control effectiveness also have questioned the need for aggressive post-fire seeding (e.g., with grasses). While large, high-severity wildfires remove vegetation and expose mineral soils, less than half of 62 studies reviewed by fire scientists<sup>5</sup> have shown reduced sediment movement after seeding. Due to competition of seeded grasses, seeding often inhibits native plant recovery. Even "weed free" straw bale used for mulching and erosion control is known to contribute to the spread of noxious weeds from contaminated bales. I have personally witnessed these problems in the Biscuit fire area and other recovering landscapes in southwest Oregon (e.g., Quartz Creek fire area) where noxious weeds were sprouting from "weed free" straw bales. These problems exemplify the need to proceed with caution regarding reseeding and mulching of recovering landscapes because such activities can cause permanent damage to native plant communities already in recovery following fire events.

The above concerns are the main reason why several scientists recently developed the attached wildlands fire restoration summary of the special fire issue published in the August edition of *Conservation Biology*. These scientists cautioned about ecological damages from aggressive reforestation and reseeding, particularly when monitoring indicates proximity of nearby seed sources is sufficient to allow for natural recovery. Any replanting should use native seed mixtures and target areas where ecological risks are relatively low such as sites already degraded by logging (e.g., plantations), areas damaged by fire fighting activities, and areas where infestations of exotic species are being spread along roads warranting the need to experiment with disease resistant strains. This is especially the case for both late-successional reserves and unmanaged naturally regenerating forests following fires. In particular, the system of reserves under the Northwest Forest Plan was designed with the intent of allowing natural recovery processes to proceed unimpaired. Late-successional reserves, for example, were located with sufficient redundancy and within close proximity of one another to facilitate dispersal from unburned to burned areas of native seed sources. Aggressive reforestation would disrupt these processes and is inconsistent with the intent of late-successional reserves. While natural processes can take over a century to develop older forest characteristics, the successional processes following disturbance events like fire, insects, and storms are vital to recovering ecosystem processes. Moreover, recent studies<sup>6</sup> on disturbance processes indicate that serious ecological consequences result from compounded per-

<sup>1</sup> Turner, M.G., W.H. Romme, and D.B. Tinker. 2003. Surprises and lessons from the 1988 Yellowstone fires. *Frontiers in Ecology and Environment* 1(7):351-358.

<sup>2</sup> Odion, D.C. E.E. Frost, J.R. Strittholt, H. Jiang, D.A. DellaSala, and M.A. Moritz. 2004. Patterns of fire severity and forest conditions in the western Klamath Mountains, California. *Conservation Biology* 18(4):927-936.

<sup>3</sup> Strittholt, J.R., and H. Rustigan. 2004. Ecological issues underlying proposals to conduct salvage logging in areas burned by the Biscuit Fire.

<sup>4</sup> Turner, M.G., W.H. Romme, and D.B. Tinker. 2003. Surprises and lessons from the 1988 Yellowstone fires. *Frontiers in Ecology and Environment* 1(7):351-358.

<sup>5</sup> Beyers, J. 2004. Postfire seeding for erosion control: effectiveness and impacts on native plant communities. *Conservation Biology* 18(4):947-956.

<sup>6</sup> Paine, R.T., M.J. Tegner, and E.A. Johnson. 1998. Compounded perturbations yield ecological surprises. *Ecosystems* 1998 (1):535-545.

turbations within the normative recovery time of disturbed areas—meaning that over-harvesting, invasion by weeds, and disease organisms exacerbate ecological impacts and overwhelm the restorative capacity of ecosystems before they can recover.

#### SALVAGE LOGGING DAMAGES POST-FIRE RECOVERY PROCESSES

Nearly two-dozen articles have been published on the impacts of salvage logging, including a recent article in *Science* by Dr. Jerry Franklin (University of Washington), Dr. Robert Beschta (Oregon State University), and several colleagues.<sup>7</sup> These studies indicate that salvage logging is virtually always damaging to soils, streams, and plant and animal life, and must not be considered a “restorative action” for post-fire landscapes. According to Dr. Jerry Franklin, “salvage logging of large snags and down boles does not contribute to recovery of late-successional forest habitat; in fact, the only activity more antithetical to the recovery process would be removal of surviving green trees from burned sites.” Other scientists<sup>8</sup> indicate that the removal of up to 25% of the standing volume of timber following fires can result in a significant pulse of sediment to streams, damaging macro-invertebrates and salmon spawning areas. These effects are exacerbated by logging of large trees (dead and alive) particularly on steep slopes and fragile soils following moderate to high severity fires.

In particular, large snags and logs of decay-resistant species, such as Douglas-fir and cedars, are critical as early and late-successional wildlife habitat and are needed for sustaining key ecological processes associated with nutrient, hydrologic, and energy cycles.<sup>9</sup> This is precisely why scientists recommend that forest managers maintain post-fire “legacies,” including large live and dead standing and downed trees. These structural components “lifeboat” the forest through recovery stages by providing critical nutrients, shading for seedling establishment, source populations for recolonization, and habitat for wildlife. These important forest structures often take 100-200 years to become established and are most characteristic of old-growth forests and recently burned natural forests recovering from fire. Fires, insect outbreaks, and storms are the recurring processes from which these important components are derived and therefore the retention of such forest legacies is vital to post-fire recovery processes.

#### TREE PLANTING CONVERTS NATURALLY RECOVERING LANDSCAPES INTO FIRE PRONE AND BIOLOGICALLY IMPOVERISHED TREE FARMS

Over 35 years of research in the Pacific Northwest indicates that tree plantations, which have replaced millions of acres of biologically complex natural forests throughout the region, lack the structural complexity and diversity of native forests.<sup>10</sup> Moreover, decades of logging has converted such forests to monoculture tree farms, at the expense of fish and wildlife habitat and the resilience of native forests to fire. As an example, recent studies of logging in the Klamath Mountains of southwest Oregon and northern California indicate that logging levels have averaged about 50,000 acres each year since 1972.<sup>11</sup> In addition, over this same time period, logged landscapes have been replanted with densely stocked trees (monocultures) spaced tightly together and lacking the resilience of the original forests. Evidence from studies in California’s Marbled Mountains indicates that tree plantations experienced twice as much severe fire as multi-aged (old) forests over a period of fires dating back to the 1970s. In addition, burn severities in these studies were found to increase when previously burned areas were salvage logged and replanted with conifers because such areas had higher fuel loads caused by logging slash left behind from logging operations and the tight spacing of planted conifers. The combination of high fuel levels and densely stocked and fire prone conifers predisposes plantations to high severity fires that race through these areas consuming their fine, combustible fuels. As such, scientists have cautioned against large-scale conversion of naturally recovering areas to tree plantations as this would set into motion a risky wildfire-logging-wildfire feedback loop that could lead to the return of severe fires in the future. Despite this, the Forest Service is proposing thousands of acres

<sup>7</sup> Lindenmayer, D.B., D.R. Foster, J.F. Franklin, M.L. Hunter, R.F. Noss, F.A. Schmiegelow, and D. Perry. 2004. Salvage harvesting policies after natural disturbance. *Science* 303:1303.

<sup>8</sup> Minshall, G.W. 2003. Response of stream benthic macroinvertebrates to fire. *Forest Ecology and Management* 178:155-161.

<sup>9</sup> Franklin, J.F., and J. Agee. 2003. Scientific issues and national forest fire policy: forging a science-based national forest fire policy. *Issues in Science and Technology* 20(1):59-66.

<sup>10</sup> Lindenmayer, D.B., and J.F. Franklin. 2002. *Conserving forest biodiversity: a comprehensive multiscaled approach*. Island Press, Washington D.C.

<sup>11</sup> Staus, N.L., J.R. Strittholt, D.A. DellaSala, and R. Robinson. 2002. Rate and pattern of forest disturbance in the Klamath-Siskiyou ecoregion, U.S.A. *Landscape Ecology* 17:455-470.

of tree planting and salvage logging in response to the Biscuit fire, setting into motion this destructive wildfire-logging-wildfire feedback cycle.

I would like to further note that large burned areas like the Biscuit are not a fuel hazard as most of the combustible fuels (needles and branches) were consumed in the Biscuit fire and the remaining large standing and dead trees are the very legacies that the forest depends on for its recovery. Salvage logging these trees will increase fuel hazards by removing the least flammable (tree bole) portion of burned trees and leaving behind fine fuels (branches and needles) for fires to spread rapidly. When coupled with conifer planting, such measures prime the “fire pump” for severe fire at the expense of fire resilience and biodiversity properties inherent in the naturally recovering landscape.

#### DIRECT FUNDS TO STUDY AND PROTECT NATURALLY RECOVERING LANDSCAPES

Our nation has some of the best forestry programs in the world. Forestry schools and land grant colleges, in particular, conduct important research on forest management and reforestation. However, the restoration of post-fire landscapes is much broader than planting trees to “enhance reforestation.” Ecosystem recovery requires a more comprehensive understanding of the natural recovery processes fundamental to forest ecosystem health. Unmanaged naturally recovering landscapes are even rarer than old-growth forests in the Pacific Northwest<sup>12</sup> and scientists need a better understanding of how such forests recover following fire and their importance to threatened species such as the northern spotted owl. Such an understanding needs to be grounded in interdisciplinary studies that include hydrologists, botanists, soil scientists, wildlife and fisheries biologists, and other specializations. For these reasons, congressional funds should target studies of naturally recovering landscapes and their protection as fire Research Natural Areas rather than appropriate funds for damaging reforestation and logging activities.

#### NATURAL RECOVERY FOR NATURAL AREAS

Large post-fire landscapes are an important laboratory for research into post-fire recovery processes of which we know very little. This is why places like the Biscuit area in southwest Oregon need to be allowed to recover on their own. This area in particular is known to contain exceptional levels of plant diversity, including many species found nowhere else in the world.<sup>13</sup> Fire in this region has occurred for thousands of years, driving the area’s unique ecology. The Siskiyou National Forest, in particular, contains the highest concentration of rare plants of any national forest in the nation; many of these plants depend on frequent fire of mixed severity. Large-scale salvage logging (372 million board feet) and conifer planting (over 19,000 acres) proposed for this recovering landscape are indicative of the problems in reforestation approaches emphasized in S. 2709.

As there was considerable interest in the Biscuit as part of the hearing on S. 2709, I am providing this weblink (<http://www.consbio.org/cbi/professional-services/biscuit/biscuit.htm>) on the ecological consequences of salvage logging in this area. This report provides documentation of the significant ecological impacts of large-scale salvage logging and conifer planting not addressed by forest engineers from Oregon State University’s School of Forestry<sup>14</sup> in their recommendations to the Forest Service advocating aggressive salvage logging and replanting on the Biscuit. In general, the report recommends that natural recovery processes be allowed to take place unimpeded in roadless areas and late-successional reserves (LSRs), with reforestation of existing tree plantations and salvage logging restricted to the “matrix” as specified in the Northwest Forest Plan.

#### CONCLUSION

S. 2709 will set back post-fire recovery processes on federal lands for decades through aggressive salvage logging, seeding, and conifer planting in areas recovering from wildlands fire. The cumulative impacts of these activities will push many post-fire landscapes beyond their capacity to recover, overwhelming natural recovery

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<sup>12</sup>Franklin, J.F., and J. Agee. 2003. Scientific issues and national forest fire policy: forging a science-based national forest fire policy. *Issues in Science and Technology* 20(1):59-66.

<sup>13</sup>DellaSala, D.A. 2004. State of the Klamath Knot: how far have we come and where are we going. Pages 2-9, In: K.L. Mergenthaler, J.E. Williams, and K.S. Jules, editors. *Proceedings of the Second Conference on Klamath-Siskiyou Ecology*. Siskiyou Field Institute, Cave Junction, Oregon.

<sup>14</sup>J. Sessions, R. Buckman, M. Newton, and J. Hamann. 2003. *The Biscuit Fire: Management options for forest regeneration, fire and insect risk reduction and timber salvage*. Corvallis, OR: Oregon State University, College of Forestry.

processes and putting ecosystems on a trajectory toward declining ecosystem health, increased fire danger, and loss of ecological complexity and biodiversity associated with post-fire recovering landscapes. Such impacts include damage to soils, hydrological processes, native plants, invasions by exotic weeds, removal of biological legacies, continued loss of unmanaged naturally recovering areas, and reduction in resiliency of forests to fire through conversion of native forests to tree farms. The National Reforestation Act of 2004 is inconsistent with the large body of scientific evidence on impacts of salvage logging and tree planting activities and the ecological importance of post-fire recovering areas.

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#### STATEMENT OF RICHARD KEDNAY, FRIENDS OF TILLY JANE

The Tilly Jane Ski Trail provides direct snow season access to the 1486 acre Cloud Cap/Tilly Jane Historic District and the North side of Mt. Hood. And I am thrilled that it is being considered for wilderness status.

When the Cloud Cap Inn was built in the summer of 1889 it was intended to be for summer use only. But that first winter in February 1890 Doug and Will Langille skied up the long and arduous wagon road on borne made skis. They reached the Inn on the second day to find a glorious winter scene with blue sky and water dripping from the eaves. They returned the next month with an 18 x 22 inch plate camera and winter ascents became popular.

The Snowshoe Club was built in 1911 for winter use. And the Tilly Jane Guard Station, built in 1924, received winter use. Snow season access during the early 20th century was by the Polallie Ridge trail.

Four Hood River men marked the Tilly Jane Ski Trail and the CCC built it in 1939 when they built the Tilly Jane Ski Cabin. At that time the CCC also thinned the 1889 wagon road for use as a ski descent. The Tilly Jane Ski Trail provided direct snow season access climbing 1900 vertical feet in 2.7 miles with no switchbacks. Wide enough for ski descent it utilizes open ridgeline parkland much of the way.

The direct snow season access led to this becoming the backcountry side of the mountain. On any given weekend one can see numbers of diverse groups on all variety of equipment.

I have been skiing the trail for 30 years. Since 1995 have been the volunteer coordinator for scheduling use of the cabin and for work parties and wood hauling. No one group maintains the cabin. Those who use it can sign up for volunteer work and they do. This year volunteers purchased five cords of wood, hauled it to the cabin in carts, manually carried a new stove to the cabin, and repaired the old stove and installed it in another cabin. The Tilly Jane Cabin will sleep 18 or 20 in the second floor loft. Today as in the past, most use is by multiple small groups.

During the 1970s, 80s and 90s, weekend use of the cabin was relatively constant. Use has increased in the last three or four years. Five cords of firewood will no longer last year round, weekends fill up sooner and scheduling is important to avoid overcrowding. Mount Hood clearly needs more wilderness for a growing population and a population with an appreciation for wilderness and backcountry.

Thank you Senator Wyden.

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#### STATEMENT OF DR. JERRY F. FRANKLIN, PROFESSOR OF ECOSYSTEM SCIENCE, COLLEGE OF FOREST RESOURCES, UNIVERSITY OF WASHINGTON, SEATTLE, WA

There is an unfortunate tendency in forest resource management to adopt generic approaches to various management issues. For example, to adopt one policy with regards to fire suppression (suppress them), timber harvest (clearcut), and predators (kill them). This “one size fits all” approach to policy fails to respect and reflect either (a) the immense variability amongst forest types in ecology, disturbance regime, environment, and historical condition and (2) the diverse and changing societal goals for different regions. Such narrowly focused approaches to policy invariably lead to dysfunctional outcomes from both ecological and social perspectives.

The proposed legislation follows the tradition of narrowly-focused resource policy. On the surface, it seems like a good policy—salvaging economic value and reestablishing forest cover as quickly as possible! And, if your goal is maximizing timber production, such an approach may be appropriate, assuming it is a good business investment. However, where management goals include maintenance of native biodiversity and ecological processes associated with natural ecosystem recovery, than a universal mandate for timber salvage and artificial reforestation is inappropriate. Local resource management objectives and ecological science should drive those decisions.

I will address just two important ecological values—from among many—that are negatively impacted by a salvage-and-forestry policy: (1) the legacy of coarse woody debris (especially large snags and logs) and (2) availability of slowly regenerating, naturally disturbed areas needed to maintain regional biodiversity. In fact, naturally recovering—unsalvaged and unplanted—disturbed habitat is currently the rarest type of successional habitat in the Pacific Northwest, much rarer than old-growth habitat, despite its importance; unfortunately, conditions in naturally disturbed and recovering habitat are not duplicated by clearcuts and plantations. In some cases, reforestation of fire-prone sites with fully stocked plantations is actively recreating the fuels that will feed the next unnatural stand replacement fire!

Our scientific understanding of the processes of natural recovery of disturbed forest ecosystems and the values associated with such habitat conditions has increased dramatically during the last 20 years, as a result of research in many locations, including Yellowstone National Park and Mount St. Helens. Much of this new ecological science has not yet been fully assimilated into forestry philosophy and practices; however, it needs to be considered when developing policies and prescriptions for restoration of forests following major disturbances by fire, wind, insects, and other agents.

#### LARGE SNAGS AND LOGS: IMPORTANT LEGACIES OF DISTURBANCE

A first principle regarding forest disturbances is understanding that intense forest disturbances invariably leave behind significant legacies of organisms and organic structures (e.g., snags and logs)—“biological legacies”—which are critically important to recovery of the forest ecosystem (Franklin et al. 2000). The concept of biological legacies emerged from research following the 1980 eruptions at Mount St. Helens. An incredible diversity of organisms and immense legacy of snags and logs survived these devastating events and contributed to the rapid redevelopment of the ecosystems within the so-called devastated zone in terms of both structural complexity and biological diversity.

Essentially all natural disturbances leave behind immense legacies of snags, logs, and other woody debris. Such events kill trees but—unlike clearcutting—rarely consume or remove much of the dead wood. Even an intense stand-replacement wildfire typically leaves behind 85 to 95% of the biomass! An intense windstorm blows down trees but leaves behind essentially all of the organic matter!

The types and amounts of the biological legacies that persist on impacted sites is actually the most important variables in assessing the true ecological impacts of a disturbance because of their critical roles in recovery. The most conspicuous and important of the biological legacies are the surviving live trees, standing dead trees (snags), and logs and other woody debris on the forest floor and in the streams. The living trees, snags, and logs play essential roles in lifeboating innumerable animal, plant, fungal, and microbial organisms by providing essential habitat (e.g., places to live and hide) and moderating the microclimate of the disturbed site. The old trees, snags, and logs also greatly enrich the structure of the young forest as it develops, increasing structural diversity and, consequently, the rate at which species that have been displaced—such as Northern Spotted Owls—can return to the site.

So, how does this legacy of dead wood contribute to the recovery and ultimate functioning of the post-disturbance forest ecosystem? In earlier times we believed that once trees were dead they provided little value to the ecosystem or to recovery processes. In fact, they were often viewed as waste, a potential fire hazard, and an impediment to proper management. However, research during the last 30 years has shown the critical role that structures such as snags, logs and wood debris play in the functioning of forest and stream ecosystems including (Harmon et al. 1986; Maser et al. 1988):

- Provision of wildlife habitat;
- Long-term sources of energy and nutrients;
- Sites for nitrogen fixation;
- Seedbed for trees and shrubs; and
- Creation of fish habitat.

These and other functional roles of woody debris are well documented in the peer-reviewed reviews by Harmon et al. (1986) and Maser et al. (1988) and literally hundreds of articles published subsequently.

Snags and logs provide critical habitat for the majority of higher (vertebrate) animals (birds, mammals, reptiles, amphibians, and fish) and, probably, lower (invertebrate) animals (e.g., insects), as well. In many western coniferous forests the overwhelming majority of higher animals make some use of snags, logs, and woody debris and for many groups of organisms—as diverse as woodpeckers and salamanders—woody structures are absolutely critical (see, e.g., Thomas 1979).

The larger and the most decay resistant snags and logs are the most important ecologically. Larger snags and logs will serve a larger array of organisms and functions than smaller snags and logs and will persist for much longer than small snags and logs. For example, large snags are necessary for large cavity excavators, such as the Pileated Woodpecker and large logs are critical elements in creating stable aquatic habitat. Large snags and logs of decay-resistant species—such as cedars and Douglas-fir—will persist and fulfill habitat and other ecological functions for several centuries in terrestrial environments or even millennia, in the case of stream and river ecosystems.

The levels of biological legacies—such as snags and logs—that need to be retained following a major disturbance very much depends upon the natural resource objectives for the property and the natural disturbance regime of the site. Where recovery of natural ecological functions (including redevelopment of late-successional forest) is a primary goal, removal of significant legacies of living trees, snags, and logs through timber salvage is inappropriate. This is particularly true in forest types and on forest sites where stand-replacement (“catastrophic”) disturbance regimes are characteristic, such as Pacific Coast Douglas-fir and Rocky Mountain lodgepole pine forests.

It is sometimes argued that snags and logs are present in “excess” of the needs of the site, in terms of ecosystem recovery, following a stand-replacement fire in old-growth forests. In fact, the large pulse of dead wood created by the disturbance is the only significant input of woody debris that the site is going to get for the next 75 to 150 years—i.e., the ecosystem has to “live” off of this pulse of woody debris until the forest matures to the point where it has again produced the large trees that can become the source of new large snags and logs (Maser et al. 1988).

The scientific lessons regarding biological legacies and the importance of retaining snags, logs, and other woody debris are being applied in regular timber harvesting practices (i.e., variable retention harvesting) but have not yet been fully incorporated into restoration policy. Indeed, attitudes toward timber salvage appear to be one of the last bastions of traditional or old forestry thinking! Of course, timber salvage may be carried out for economic reasons. However, the practice of timber salvage will almost never produce any positive ecological benefit, as pointed out in a recent article in *Science* (Lindenmayer et al. 2004). Timber salvage should be viewed as a “tax” on ecological recovery processes. Removal of large, decay resistant snags and logs is particularly negative because of impacts on long-term recovery and stand development processes—yet it is precisely these structures that are often the prime targets of salvage operations because of their economic value.

It can be argued that post-fire fuels need to be reduced on sites that have been subjected to uncharacteristic stand-replacement fire as a result of uncharacteristic fuel accumulations; i.e., post-fire fuels are still in excess of levels characteristic of the site. This may be a situation where post-fire fuel treatments (including salvage) can be accepted from an ecological perspective. However, the focus should be on the fine and medium fuels that create the real hazard but, rather, salvage typically focuses upon the coarse 1000-hour fuels and often produce short- to mid-term increases in the critical ground fuels.

#### IMPORTANCE OF SLOWLY-REGENERATING NATURALLY-DISTURBED AREAS

Reestablishment of forest stands by natural regeneration of conifers following stand-replacement wildfires in the PNW often took decades, particularly on environmentally severe sites or where seed sources were limited. There were exceptions, such as where seedbanks survived in burned trees, as was probably the case with the 1902 fires in the PNW and is documented in the case of the 1993 Warner Creek Burn on the Willamette National Forest in Oregon. Generally, however, reestablishment of closed forests was a gradual process that exhibited much spatial heterogeneity—i.e., it was patchy!

This early successional habitat, which included regenerating and surviving trees but was not dominated by them, sustained high levels of biological diversity and provided optimal conditions for key ecosystem processes. This early successional habitat also had its full compliment or legacy of snags, logs, and woody debris, which was a critical in providing for the high levels of species diversity.

Many plant and animal species find this structurally complex, early successional forest habitat optimal. Total species diversity tends to be high as early successional species are added to species that have survived from the pre-disturbance forest. The ecosystem incorporates a diversity of life forms including herbs, shrubs, and open-grown hardwood and conifer trees. The high species diversity persists until the forest canopy closes at which point diversity drops to the lowest point in successional development. I would emphasize that many of these early successional species de-

pend upon the structural legacies that survive the disturbance and that clearcuts are not equivalent to this unsalvaged, unplanted early successional habitat.

Important ecological processes also go on during early succession prior to reestablishment of a closed forest canopy. One excellent example is that of additions to the nutrient capital of the site—an important consideration since significant nitrogen loss is characteristic of wildfires. Specifically, significant nitrogen fixation often occurs during the open (pre-forest-canopy closure) early successional stage because of the abundance of herbaceous and shrubby plants that can host nitrogen-fixing bacteria in their roots. These plants include legumes, such as lupines, and a variety of shrubs and small trees, including species of ceanothus and alder.

Large, slowly regenerating disturbed areas may be particularly important as hotspots of regional biological diversity. For example, the blast zone at Mount St. Helens is proving to be a major hotspot (in terms of both species diversity and population densities) of several major animal groups, including birds, amphibians, and meso-predators (middle-sized animal predators). Some species may prove to be dependent on the presence of such large persistent partially open landscapes. Yet, amazingly, this condition—large disturbed areas that have been free of salvage and reforestation efforts—is probably the scarcest habitat condition in low to middle elevation forests in the Pacific Northwest. It is much rarer than old-growth habitat, in part because we have aggressively salvaged or planted (or both) most large disturbed areas during the 20th century, such as the Tillamook Burn.

Aggressive reforestation that results in early and large-scale forest canopy closure obviously unnaturally truncates the structurally and biologically diverse early-successional conditions that characterize natural succession. Again, while this may be good from a wood production standpoint it is undesirable from the standpoint of biological diversity and many important processes, including some associated with long-term productivity and watershed protection.

Efforts to reestablish closed forests on sites that are characteristically subject to light to moderate intensity fire (regimes I through III) are particularly inappropriate. There are numerous examples in Oregon and California where federal agencies have salvaged and then established a dense (“fully-stocked”) plantation following an uncharacteristic stand-replacement fire—i.e., one that is the result of past fire suppression or other activities. Effectively, such practices create the conditions for the next uncharacteristic stand-replacement fire! I do need to note, however, that some federal managers are recognizing this problem and reducing planting densities. It is critically important that any new laws or regulations increase their latitude to carry out tree planting using low densities and irregular patterns rather than restricting their options, i.e., ability to apply professional judgement.

#### CONCLUDING COMMENTS

Salvage logging retards natural recovery processes following stand-replacement disturbance events as measured by such variables as levels of native biota. Negative impacts are greatest when logging removes legacies of large snags and logs of decay-resistant species and surviving green trees of any type. Salvage logging modifies and slows the processes and organisms associated with redevelopment of late-successional forest conditions.

Policies that mandate rapid reestablishment of uniform, closed forest canopies over large areas will have negative ecological consequences for native biodiversity and ecosystem processes. Artificial reforestation can contribute to recovery processes by speeding reestablishment of desired trees and closed forest conditions, particularly in areas with little or no seed source. However, important ecosystem processes and many elements of native biodiversity are associated with the structurally complex, pre-canopy-closure early successional habitat. Consequently, aggressive reforestation efforts are inappropriate unless timber production is the primary management objective.

Most existing old-growth forests appear to have developed with extended periods of tree establishment—i.e., forest canopy closure came slowly and with a full legacy of surviving trees, snags and logs. As a result, many of the existing old-growth stands do not appear to have experienced an intense closed-canopy competitive exclusion stage during their first 80 or 100 years of growth. Knowing this, federal agencies in the Pacific Northwest are carrying out major programs to drastically thin existing plantations within Late Successional Reserves so as to accelerate structural development. Although I do not agree, some foresters have even suggested that unless such “unnaturally” dense stands are thinned they will never develop into old growth. Given this circumstance, why would we institute a policy of aggressive reforestation programs on disturbed sites within Late Successional Re-

serves or other land designations where native biodiversity and natural ecological processes are the primary goal?

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STATEMENT OF MICHAEL LANG, CONSERVATION DIRECTOR, FRIENDS OF THE COLUMBIA GORGE

Friends of the Columbia Gorge supports the designation of 177,000 acres of land within the Columbia River Gorge and the Mount Hood National Forest as Wilderness in the Lewis and Clark Mount Hood Wilderness Bill of 2004. The bill includes approximately 35,000 acres of the most scenic and ecologically significant lands within the Columbia River Gorge.

The Columbia River Gorge is a national scenic treasure that deserves permanent protection so that our children and future generations can experience its natural scenic beauty. The Lewis and Clark Mount Hood Wilderness proposal includes National Forest lands between Larch Mountain in the western Gorge and Mount Defiance in the central Gorge. This 32-mile stretch of the Columbia Gorge has the most stunning scenery in the Gorge, the highest concentration of waterfalls in North America, the largest remaining old growth forests in the Gorge and abundant recreational opportunities with over 35 named trails. The Wilderness bill also includes 1,000 acres around Tom McCall Point, named after Oregon's visionary Governor. This area has over 200 species of wildflowers, including four species that are found nowhere else in the world (Columbia desert parsley, Thompson's waterleaf, Hood River milk vetch and Columbia Gorge broad-leaf lupine).

While the Columbia Gorge is partially protected by the Columbia River Gorge National Scenic Area Act, the only way to ensure permanent protection for its remaining wild areas is through its designation as Wilderness and its addition to the Mark O. Hatfield Wilderness Area.

The National Scenic Area Act requires the protection of scenic, natural, cultural and recreation resources from the adverse effects of logging, mining and development. The Act defines "adversely affect" as "more than moderate adverse consequences for the scenic, cultural, recreation or natural resources." Due to this definition, the Act only protects the natural scenic beauty of the Gorge from "more than moderate adverse consequences" of logging and development and does not provide adequate protection for its remaining wild areas. Administrative interpretation of the National Scenic Area Act has resulted in guidelines for logging and development that would degrade this priceless part of our nation's natural scenic heritage.

Friends of the Columbia Gorge supports Wilderness designation for all 177,000 acres of land identified in the Lewis and Clark Mount Hood Wilderness bill. In particular, all of the lands identified within the Columbia River Gorge are long overdue for protection under the Wilderness Act.

Regarding Titles V and VIII of the bill, Friends shares some of the concerns expressed by the Oregon Natural Resources Council, the Wilderness Society, and other conservation organizations. We believe that the general purposes of these sections may be achieved by other means. For example, Title V can be rewritten to avoid setting any precedent of weakening the Wilderness Act. Title VIII's proposal for active forest management to thin overcrowded stands of "plantation forests" and to protect mature and old growth forests has some merit, but may be better addressed through the introduction of a separate bill.

In closing, Friends expresses its gratitude to Senator Wyden for his leadership in protecting the Columbia River Gorge and Mount Hood and also to the subcommittee Chairman and the other members of the subcommittee for graciously agreeing to hold a public hearing on this important bill.

About Friends of the Columbia Gorge: Friends is a nonprofit organization with members in over 3000 households dedicated to protecting and enhancing the scenic, natural, cultural and recreation resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the six counties within the Columbia River Gorge.

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#### STATEMENT OF ERIN BARNHOLDT, TROUT UNLIMITED

Representing almost 3,000 members in Oregon and 130,000 nation wide, Trout Unlimited respectfully submits the following written testimony for your consideration regarding S. 2723. Trout Unlimited is a cold water fisheries conservation group whose mission is to conserve, protect and restore North America's trout and salmon fisheries and their watersheds. TU accomplishes this mission on local, state and national levels with an extensive and dedicated volunteer network.

In the Northwest, salmon represent a timeless legacy of ecological and cultural diversity from Native Americans to the Lewis and Clark Expedition to today's sport and commercial fishermen. Salmon represent an intact and functioning cycle of healthy rivers and forests. The waters of several spectacular rivers flow from the flanks of Mt. Hood, including the Sandy, Salmon, Mount Hood and Zigzag rivers, as well as key tributaries of the Clackamas River.

All these rivers benefit from designated wilderness and unprotected roadless areas that help maintain high-quality water and habitat to sustain thriving fisheries. Coho and chinook salmon and steelhead use many of the streams for spawning and rearing habitat. Coastal cutthroat trout, bull trout, and native redband trout are all found in the forested waters that flow from Mount Hood. The Clackamas, Sandy and Hood rivers support popular and lucrative recreational fisheries.

Elk and other wildlife also depend on Mount Hood roadless lands for habitat. Elk hunting generates over \$800,000 annually for nearby communities. In addition to fish and wildlife habitat and recreation opportunities, Mt. Hood's roadless watersheds provide superb drinking water for several towns and cities including Portland.

In 2004, we celebrate the 40th anniversary of the Wilderness Act, the 20th anniversary of the Oregon Wilderness Act of 1984 and the bicentennial anniversary of the Lewis and Clark Expedition. In honor of these achievements and what it has brought to Oregon, it is especially fitting to honor Oregon with the Wilderness and Wild and Scenic River designations proposed in this Act. TU also urges you to include Copper Salmon and Soda Mountain as additional wilderness areas in S. 2723. Wilderness celebrates Oregon's history by preserving it for the future.

Trout Unlimited fully supports Titles I and II of S. 2723. However, we would like to see these titles as a stand alone bill. We believe the preservation of these intact wild lands and rivers by way of Wilderness and Wild and Scenic designations are reason enough for the bill. As mentioned in the introduction, Mt. Hood and the rivers that flow from it offer some of the best habitat for threatened and endangered salmon and trout. Below are highlights of areas S. 2723 proposes for Wilderness or Wild and Scenic designations:

#### *Fifteenmile Creek*

With eleven miles of proposed Wild River, it is the eastern-most limit for winter run Columbia River Steelhead and has been identified as a Key Salmon Stronghold in the Interior Columbia Basin Ecosystem Management Project (ICBEMP) research.

#### *Roaring River*

The largest unprotected roadless area on the Mt. Hood National Forest, this pristine watershed encompasses 27,000 acres and abuts the popular Salmon-Huckleberry Wilderness southwest of Mt. Hood. The crystal clear waters of the Roaring River tumble steeply down to the Clackamas River, one of the Northwest's most popular steelhead rivers. The lower three miles of the Roaring River provide spawning habitat for late winter steelhead, as well as late-run winter coho and spring Chinook. This coho population has been identified as the last self-sustaining wild run left in the Columbia River Basin. The upper watershed supports redband trout. Excellent remote fishing is found by those willing to descend the steep canyon.

#### *Salmon River Meadows*

The headwaters of the popular Salmon River flow from this high-elevation 8,000-acre roadless area which flanks the eastern edge of the Salmon-Huckleberry Wilderness Area. The upper Salmon River holds resident coastal cutthroat and native redband trout.

*Copper Salmon*

Towering rainforests of Douglas fir, western hemlock and Port Orford cedar help produce clean cold water for a wide array of fish including chinook, coho, chum, steelhead, coastal cutthroat and native rainbows. The Elk River is believed by many fish biologists to have the most productive salmon fishery left in the Lower 48.

*Soda Mountain*

Southern Oregon's Siskiyou region is renowned for unparalleled biological diversity, its spectacular wild rivers and its prolific salmon and steelhead runs. Because of its unique geological history, this rugged landscape functions as an ecological bridge for several Northwest ecosystems and supports one of the most diverse plant communities in the world.

As prime habitat continues to decline on more developed lands, the reliance on these unprotected areas grows. Research focused on areas where the contribution of wilderness is highly visible has found the protection of watersheds to be the most visible to communities.<sup>1</sup> Not only does the protection of these rivers and their watersheds help maintain pristine, intact habitat for fish and wildlife, it is highly visible to our communities who rely on them for clean drinking water, recreation and solace.

We commend the Senator and staff on their work towards meeting the numerous and varying needs of the Mt. Hood and Columbia River Gorge areas. Our main concerns lie within Titles V and VIII. We believe the language and the nature of these titles should be dealt with in separate legislation. However, in the event that the bill includes these titles, Trout Unlimited respectfully requests that the following changes be made in the bill.

**TITLE V MOUNTAIN BIKING PROJECT**

While both mountain bikers and conservation groups seek protection for rugged and pristine natural areas, our goals differ when it comes to maintenance. TU believes the difference is enough to warrant separate designations. If mountain bikes are allowed in an area designated Wilderness in one place, but not in the other, we fear the inconsistency of rules within Wilderness areas will create confusion for the users and lead to a lack of respect for the area and the designation. Two areas where we see different designations working together and creating a welcome place for mountain bikes, while ensuring protection and preservation of natural qualities, are the Opal Creek Scenic Recreation Area in Oregon and the proposed Virginia Ridge and Valley Scenic Areas (H.R. 4202.IH). We believe that the Hood-PDX Project would be best served under a National Scenic Area designation.

National Scenic Areas are established for the purposes of:

- (1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;
- (2) protecting wildlife and fish habitat,
- (3) protecting areas that may develop characteristics of old-growth forests; and
- (4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.

*Management*

We ask that this area be designated as a National Scenic Area allowing for Wilderness designation in 3-10 years of the project starting (as stated in S. 2723). We feel the NSA designation more accurately supports the multiple uses and the need for preservation that this unique area holds.

Where the proposed eleven miles of Wild River and the Hood-PDX designations overlap in Fifteenmile Creek, TU believes the management must comply with Wild and Scenic River rules: rivers must remain free flowing and in natural condition without impoundment, diversion, straightening, rip-rapping or other modification.

*Funding*

Funding for this area should have a separate source, in part paid by user fees from mountain bikers. Fees derived from other developed recreational activities (i.e. skiing and trail passes) should not be used to fund this project.

*Monitoring*

In order to accurately access the effects of mountain biking on the Hood-PDX area ecology and the surrounding communities and economies:

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<sup>1</sup>Green, Dana, reporter at Ravallia Republic, MT, What are the benefits of wilderness?: Experts seek to quantify economic aspects. September 16, 2004.

- The monitoring should take place in all four seasons to accurately track the effects of the trails during spring runoff, summer heat, etc.
- Monitors must be hired specifically for this job. They should not be current Forest Service employees.
- Mountain bikers should be encouraged to engage in restoration projects.

#### TITLE VI TRANSPORTATION AND COMMUNICATION SYSTEMS

Trout Unlimited requests that highways be defined as “paved” and their maintenance allowed within standard setbacks. Any major federal project, regardless of the source of its recommendation, should not be allowed to circumvent the National Environmental Policy Act (NEPA) analysis and the applicable rules under the National Forest Management Act and other applicable laws and regulations.

#### TITLE VII LAND EXCHANGE

Trout Unlimited requests that the Clackamas County Land Exchange be carried out using NEPA procedures and that full and fair market value appraisals be conducted according to federal law. We request that appropriate procedures be followed to ensure the American public of an equal value exchange that is in the public interest.

#### TITLE VIII MOUNT HOOD NATIONAL FOREST THINNING

Trout Unlimited has significant concerns with the commercial logging as defined in this title. We are concerned that the timber goals laid out are based on the achievement of timber harvest (acreage) as opposed to targeting areas most in need of thinning along the wild-urban interfaces such as the perimeters of Parkdale, Hood River, Welches and Zig Zag, Oregon. We request that all logging keep to designated Matrix land according to the standards and guidelines of the Northwest Forest Plan. We also urge that appropriate stream buffers be maintained when logging adjunct to streams and rivers.

We applaud the Senator's efforts to recognize the call for the protection of mature and old growth forests. Protection of older forests explained in this section should be broadened to include trees and stands over 80 years of age. Forests over 80 years old are not the appropriate target of efforts to restore forest health.

Trout Unlimited applauds Senator Wyden for recognizing the remarkable wildlife and recreational qualities of Mt. Hood and its surrounding rivers and forests. We believe these areas are truly unique and deserving of protection. We are available to provide assistance and on-the-ground expertise to effect the changes we seek and we very much look forward to supporting the resulting legislation.

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#### STATEMENT OF ROBERT FREIMARK, SENIOR POLICY ANALYST FOR THE WILDERNESS SOCIETY

On behalf of The Wilderness Society and our 200,000 members, I wish to convey The Society's views regarding S. 2723, the Lewis and Clark Mount Hood Wilderness Act, which Senator Ron Wyden introduced on July 22, 2004.

First, The Wilderness Society greatly appreciates the efforts by Senator Wyden to develop legislation that preserves an outstanding part of Oregon's wilderness heritage. Senator Wyden and his staff have devoted much time and energy to engage local elected officials, business leaders, recreational users, and environmental organizations in developing a comprehensive and balanced legislative proposal. We also commend Representatives Earl Blumenauer and Greg Walden for convening the Mount Hood Summit in June to obtain public input on the best ways to protect this area.

The Wilderness Society strongly supports Senator Wyden's proposal to designate 177,000 acres of wilderness additions to the Mark O. Hatfield, Badger Creek, and Salmon-Huckleberry wilderness areas in the Mount Hood National Forest. The proposed additions encompass some of the finest unprotected forests, streams, lakes, meadows, and scenic features in the National Forest. We are pleased that the proposal includes areas such as Fifteen Mile Creek, Lost Lake and the surrounding old-growth forests; the historic back country trails of the Tilly Jane area; the scenic forests and meadows around Twin Lakes, Boulder Lake, and Mirror Lake; the headwaters of the Hood River; and the rugged and beautiful Roaring River, a tributary of the Clackamas. Adding these marvelous lands and waters as wilderness areas to the National Wilderness Preservation System will provide a magnificent natural legacy for present and future generations of Oregon residents and visitors.

However, The Wilderness Society has significant concerns with Title V, which would establish a novel Mountain Biking Pilot Project. Section 501 directs the Secretary of Agriculture to designate the Mount Hood Pedaler's Demonstration Experiment Area on the south side of Mount Hood and around Creek and Larch Mountain. Section 502 requires the Experiment Area to be managed in accordance the Wilderness Act, except that mountain bikes are allowed to operate on designated trails and chainsaws can be used to maintain existing trails. Section 505 states that if Congress does not act within 10 years, the mountain biking area will automatically be designated as wilderness.

Our basic concern with Title V is that it dilutes the National Wilderness Preservation System by creating a new subcategory of wilderness areas. Since the Wilderness Act became law 40 years ago, wilderness areas have been places where motorized equipment and mechanical means of transportation (other than wheelchairs) do not intrude. While Title V would not technically amend the Wilderness Act, it would carve out a major exception to the Act specifically tailored to accommodate mountain bikes.

In our view, this is an unnecessarily controversial way to address the need to allow continued mountain biking use in the area. As an alternative, we would suggest using a special land use designation that specifically allows mountain bikes, protects the area's natural environment, and does not blur the well-established management standards of designated wilderness areas. Two examples of such special designations are the Opal Creek Scenic Recreation Area in Oregon, and the proposed Virginia Ridge and Valley Scenic Areas (H.R. 4202.IH).

While we support the active forest management activities in areas outside of the proposed wilderness described in Title VIII, we believe such legislation should not be intertwined with a wilderness designation bill. We especially appreciate the bill's call for protecting mature and old growth forests. We commend Senator Wyden's strong, constant efforts to permanently protect the northwest's old growth forests.

Finally, we want to thank Senator Wyden for demonstrating such strong leadership in his efforts to permanently protect the public lands surrounding Mt. Hood and the Columbia River Gorge through wilderness designation. We appreciate the time, energy, and expertise Senator Wyden and his staff bring to these complex issues. We look forward to working through our concerns with this worthwhile legislation and ensuring this legislation has the strong support of The Wilderness Society.

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STATEMENT OF DR. DOMINICK A. DELLA SALA, DIRECTOR, WORLD WILDLIFE FUND'S Klamath-Siskiyou Program

As a forest ecologist with over 20 years experience in forest ecosystems throughout the Pacific Northwest and elsewhere, I am submitting this testimony in support of the protective measures of S. 2723, the "Lewis and Clark Mount Hood Wilderness Act of 2004." I request that the Committee include my statement in the hearing record.

World Wildlife Fund is acting as a special science advisor to the Oregon Wild Forest Coalition whose members represent thousands of Oregonians in support of designation of public lands in Oregon as wilderness. We are especially pleased that Senator Wyden chose the bicentennial commemoration of the historic Lewis and Clark expedition to protect an outstanding part of Oregon's cultural and biological inheritance.

My testimony addresses the scientific and economic foundations for wilderness designations in Oregon as well as restorative actions related to thinning and fire management within the Mt. Hood National Forest and its surroundings. Moreover, I urge this Committee to include two additional proposed wilderness areas in S. 2723: Copper-Salmon and Soda Mountain.

SCIENTIFIC AND ECONOMIC FOUNDATION FOR WILDERNESS

Oregon has protected just 5% of its land base in national parks, monuments, and wilderness areas.<sup>1</sup> The rest of Oregon's lands are open to logging, mining, grazing, and off-road vehicles that have impacted the region's forests and watersheds. The addition of wilderness to Oregon's protected areas system is vital to the ecological health and economic sustainability of Oregon's communities. A recent economic study indicated that of 410 counties across the West, including rural and metro counties in Oregon, those counties with greater amounts of wilderness and roadless

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<sup>1</sup> DellaSala, D.A., N.L. Staus, J.R. Stritholt, A. Hackman, and A. Iacobelli. 2001. An updated protected areas database for the United States and Canada. Natural Areas Journal 21:124-135.

lands had more robust levels of economic growth in jobs and personal income.<sup>2</sup> Thus, Oregon communities are benefiting from wilderness protections and the quality of life amenities these areas provide, which are serving as a “magnet” for new businesses wishing to set up shop in our state because of its great outdoors.

In addition to the scenic, recreational, and spiritual values that wilderness areas provide, these areas, because of their undeveloped character, are vital to the recovery of threatened and endangered species and their roadless quality provides refugia for big game and salmon important to regional economies. In fact, according to recent studies of roadless areas, such undeveloped lands act as biological “strongholds” for many species sensitive to road building and logging.<sup>3</sup> Thus, if we are going to protect examples of Oregon’s cultural and biological inheritance, wilderness is vital to preserving a portion of the landscape that was around at the time of Lewis and Clark and the early Native peoples of the region.

#### SODA MOUNTAIN ADDITION

The 23,000-acre Soda Mountain wildlands, located at the southern end of the Cascade Range in the 53,000 acre Cascade-Siskiyou National Monument, is a key biological crossroads at the convergence of three ecoregions, including the world-class Klamath-Siskiyou ecoregion.<sup>4</sup> It is home to a nationally outstanding diversity of butterfly species and more than 300 other animal species, including many fish and mollusks found nowhere else in the world. Strong local and national support for conservation of the Soda Mountain area helped convince President Clinton to designate the area as the Cascade-Siskiyou National Monument in 2000. However, loopholes in the Monument’s proclamation leave the backcountry vulnerable to off-road vehicles, grazing, and logging that can degrade wilderness values.

According to computer mapping studies performed by scientists,<sup>5</sup> the Cascade-Siskiyou National Monument and proposed Soda Mountain Wilderness area are one of the few remaining relatively intact areas within a 300 square mile area surrounding the monument. Since 1972, logging in this area has averaged about 1,500 clearcuts (average size of 30 acres per clearcut) each year, with three times the rate of logging on private lands. Logging and road building have fragmented all but a few areas within the region with the exception of the Soda Mountain proposed wilderness. Thus, the addition of Soda Mountain to S. 2723 would protect a vital land bridge joining the Cascades to the globally significant Siskiyous that would allow for the dispersal of numerous fish and wildlife species, including the federally threatened northern spotted owl.

#### COPPER-SALMON WILDERNESS PROPOSAL

The 11,000-acre Copper Salmon area lies within the Siskiyou National Forest in southwest Oregon and protects the North Fork of the Elk River, which a U.S. Forest Service fisheries biologist identified as the most productive fishery, for a river of its size, in the lower 48 states. The area includes the largest low-elevation old-growth temperate rainforest outside of Alaska, along with healthy stands of ancient Port-Orford cedar.

The Elk River drainage within the proposed wilderness area is a key watershed along the western extension of the Klamath-Siskiyou ecoregion, which is among the most diverse temperate forest regions in the world. The area is home to the threatened marbled murrelet, a coastal seabird that nests in old-growth rainforest close to the coastline. Scientists have recognized the Elk River drainage as a key connectivity corridor joining adjacent intact areas such as the Grassy Knob Roadless Area and Grassy Knob Wilderness and linking the coastline with the Wild and Scenic Elk River corridor. The Copper-Salmon proposed wilderness area is vital for the

<sup>2</sup>Southwick Associates. 2000. Historical economic performance of Oregon and western counties associated with roadless and wilderness areas. Unpublished report available on <http://www.worldwildlife.org/klamathsskkyou/WPbibliography.html>

<sup>3</sup>Strittholt, J.R., and D.A. DellaSala. 2001. Importance of roadless areas in biodiversity conservation in forested ecosystems: a case study—Klamath-Siskiyou ecoregion, U.S.A. *Conservation Biology* Vol. 15(6):1742-1754. DeVelice, R.L., and J.R. Martin. 2001. Assessing the extent to which roadless areas complement the conservation of biological diversity. *Ecological Applications* 11(4):1008-1018. Loucks, C., N. Brown, A. Loucks, and K. Cesareo. 2003. USDA Forest Service roadless areas: potential biodiversity conservation reserves. *Conservation Ecology* 7 (2).

<sup>4</sup>DellaSala, D.A., S.B. Reid, T.J. Frest, J.R. Strittholt, and D.M. Olson. 1999. A global perspective on the biodiversity of the Klamath-Siskiyou ecoregion. *Natural Areas Journal* 19:300-319.

<sup>5</sup>Odion, D.C., and E.J. Frost (ed.). 2002. Protecting objects of scientific interest in the Cascade-Siskiyou National Monument: status, threats, and management recommendations Unpublished report available on <http://www.worldwildlife.org/klamathsskkyou/NationalMonument.html>

integrity of this corridor and the associated movements of threatened coho and murrelet that use intact mature and old-growth forests.

WWF believes that there is a unique opportunity to build on community support for this strategically important wilderness proposal. The communities of Port Orford and Northern Curry have endorsed the proposed Copper-Salmon Wilderness and the Wild Rivers Coast Initiative. These communities recognize that Copper-Salmon would provide additional recreational opportunities through its proximity to Cape Blanco State Park and Humburg State Park along the coast and is key to the ecological integrity of the Wild Rivers Coast.

#### THINNING PROVISIONS ON THE MT. HOOD NATIONAL FOREST

WWF supports the direction that S. 2723 provides to forest managers regarding restoration of previously logged, even-aged plantations and its emphasis on returning degraded areas to a natural healthy condition. We are particularly pleased with the emphasis on pre-commercial thinning in Westside matrix plantations. In addition, we support the scientific principles established for Eastside thinning for forest health, particularly the emphasis on retaining all large and old trees; removing smaller trees; and ensuring recruitment of forest cover by retaining representative trees in all size cohorts.

We would, however, like the Committee to consider greater specificity for retention of ecologically important trees, particularly by focusing on large fire-resistant trees (generally trees exceeding 21 inches diameter-at-breast height) and those that function as "biological legacies."<sup>6</sup> Biological legacies include large snags and logs that are critical as early and late-successional wildlife habitat and are needed for sustaining key ecological processes associated with nutrient, hydrologic, and energy cycles. These important forest structures often take 100-200 years to become established and are most characteristic of old-growth forests and recently burned natural forests recovering from fire.

In addition, we believe that thinning should emphasize prescriptions that produce variable densities and spacing of trees to increase structural diversity in plantations and prevent uniformity of stand structure. New research in the Pacific Northwest indicates that variable density thinning is preferred to uniform thinning in producing structural complexity in young, even-aged plantations.<sup>7</sup> Finally, while we support the need for managing fuel levels within the urban-wildlands interface, the use of shaded fuel breaks has produced mixed results. In particular, shaded fuel breaks require periodic treatments to maintain them as the increase in solar radiation following opening forest canopies can result in soil desiccation and increased response of understory plants that could elevate fuel levels within fuel breaks.

#### CONCLUSIONS

I would like to thank Senator Wyden for bringing this bill before the Committee. WWF is supportive of the protective measures of S. 2723 as they address the ecological, recreational, and economic values important to Oregonians concerned about protecting a vital link to our natural inheritance present at the time of the Lewis and Clark expedition. We hope this Committee will consider making improvements to the bill that include the additions of Copper-Salmon and Soda Mountain as these areas enjoy broad local public support, as well as the suggested changes to restoration and fire management principles surrounding the Mt. Hood National Forest.

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#### STATEMENT OF KEN MADDOX, CHAIR, COOPER SPUR WILD AND FREE COALITION, MT. HOOD, OR

My name is Ken Maddox. I am currently the Chair of the Cooper Spur Wild and Free Coalition, a group of more than 15 organizations who have interests in protecting and enhancing the Cooper Spur area of Mount Hood on the northeast flank of the Mountain. Our Coalition is particularly dedicated to encouraging traditional use of the area for non-commercial recreation, for scenic beauty, and for contributions to Oregon's heritage.

We believe the forward-looking wilderness proposal that you are considering is directly responsive to the needs and desires of Oregonians. Last year in testimony to the Oregon's Hood River County Planning Commission, more than 85% of local residents who testified in person and in writing, were in favor of protections for the

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<sup>6</sup>Franklin, J.F., and J. Agee. 2003. Scientific issues and national forest fire policy: forging a science-based national forest fire policy. *Issues in Science and Technology* 20(1):59-66.

<sup>7</sup>Franklin, J.F. University of Washington. Personal communication.

Cooper Spur area. Their reasons varied from wildlife to water, from scenery to recreation, from quality of life to history, but they all shared the same wish: to see the Mountain protected from excessive development and exploitation.

At the Mount Hood Summits of 2003 and 2004, co-sponsored by Congressmen Blumenauer and Walden, those same views were expressed. In public testimony people said again and again that protecting Mount Hood, the favorite icon of our State, was critical.

In November 2003, 62% of Hood River County voters endorsed a ballot measure intended to protect rural forestlands from large development. Among the issues in that campaign were (1) the protection of the Crystal Springs watershed, which extends into the area of Cooper Spur proposed for wilderness, and (2) limits on excessive commercial development in the Cooper Spur area. Wilderness protection is consistent with the directly expressed wishes of Oregon citizens.

Moreover, the extension of wilderness coincides with the findings of the U.S. Forest Service, who in official documents, including the Mt. Hood Land and Resource Management Plan (LRMP) found that the need for dispersed recreation offered by wilderness is growing much faster than existing areas can accommodate. An expansion of wilderness is necessary to meet the demand for it.

While the Coalition's focus is, as described above, the Cooper Spur area of Mount Hood, and as a Coalition we strongly support increased protection for that area, I believe that equally strong support exists for the other portions of the proposed wilderness expansions. Wilderness creates a benefit for the Mountain as a whole. So too, wilderness protections in the Columbia Gorge area are advisable and critical to provide for the needs of a growing population in Oregon. But not only is the population growing; so also are a deep understanding of the value of wilderness, and the desire and need for it.

Several of our members have concerns with provisions of the Act that deal with other matters than wilderness protection. I believe the ideal solution would be legislation that dealt directly with wilderness protection in one bill and dealt with other matters—such as the sections mandating acreage targets for logging projects and special provisions for mountain biking areas that use the wilderness act as the foundation for protection—in other bills.

Moreover, because the forests on Mt. Hood's northeast side are healthy and relatively remote, they are not priority areas for treatment. The Coalition believes that non-commercial projects, such as those suggested by Title VIII of the draft legislation, should focus on priority areas near homes and communities. In our view, the draft legislation's distinction between east and west side forests is not helpful. The Cooper Spur area is on Mt. Hood's northeastern flank, and nonetheless deserves the same protections afforded to west side forests.

I have also read the testimony of Mark Rey, Undersecretary of the Department of Agriculture, and applaud his stated interest in extending wilderness protection. However, I am disappointed to see his statement regarding Cooper Spur, because it shows how at odds he and the Forest Service are with the sentiments of local residents, the overwhelming majority of Oregonians, and the Forest Service's own Mt. Hood National Forest Land and Resource Management Plan. The Cooper Spur area has been a small family ski area of 50 acres in size for many decades. The undeveloped part of the permit area provides a unique historic backcountry experience.

Mr. Rey suggests that wilderness is OK so long as wilderness does not interfere with any other potential use. Mr. Rey cites a need for developed recreation. However, the Forest Service's own Management Plan states that the supply of developed recreation far exceeds the demand, while the supply of wilderness style backcountry recreation is far outstripped by demand. In addition, the undeveloped portion of the ski permit area is part of the Crystal Springs Zone of Contribution, which provides drinking water for a large percent of Hood River County's population. Mr. Rey's position is self-limiting, overly nuanced, and out of touch with the needs and desires of Oregonians who enjoy this special place and live productive lives in the Hood River Valley below.

Nearly 200 years ago Lewis and Clark explored country that was then nearly all wilderness. About 100 years ago, the centennial celebrations of that exploration were being planned and held at the same time that the nation began to set aside significant parts of our public lands for public benefit and enjoyment. Those lands are a legacy to us today, and we can honor and further that legacy with the kind of bold proposal made for wilderness protection.

I encourage the Congress to make extension of wilderness areas around Mount Hood and in the Columbia Gorge a reality, and to make the wilderness proposal a law of the United States. There will be few chances to do a better thing for those who follow us.

STATEMENT OF DAVE COMPTON, ON BEHALF OF MIDDLE FORK IRRIGATION DISTRICT

MFID and its patrons throughout the Hood River Valley stand to be profoundly affected by proposed S. 2723, the Lewis and Clark Mount Hood Wilderness Act of 2004 (the "Bill"), and the amendment to the Wild and Scenic Rivers Act ("WSR Act") contained within Title II of the Bill.

Section 903 of the Bill states that it will not affect the "ability of Middle Fork Irrigation District to operate in a similar manner as the District operated on the day before the date of enactment of this Act." While the Bill is well-intentioned, the word "operate" is far too narrow. This restrictive wording resembles nonconforming use language in certain statutes, and it could be interpreted as effectively freezing the MFID's operations to the day before the Act, preventing needed changes and upgrades to the District, not only for its operations, but also for the recovery of Bull Trout, an effort in which the District is intimately involved.

The District non-disturbance concept in Section 903 should be far more expansive. The Bill should not relegate MFID merely to the status of some permitted but non-conforming use. It should encompass any necessary future changes in MFID's water use and hydropower system. Their viability is vital to the health of the District, and the thousands of acres of Hood River Valley agriculture dependent upon MFID.

MFID is a progressive District and is making continual changes to improve its operations, and to further conform and integrate those operations into the species and habitat needs of the basin. MFID's operations are moreover now undergoing an ESA consultation that may recommend or require certain changes in those operations. The present Section 903 of the Bill could impair the District's ability to craft creative solutions to any species or habitat issues identified in the consultation.

Section 903 should specifically include the USFS permit relating to MFID, and any future changes-necessary or desirable thereto, as part of the non-disturbance language of Section 903.

As to Section 201 of the Bill, it is appropriate that Wild and Scenic Rivers should be adopted through the process of the WSR Act, based on the intrinsic merits of the river and after serious study of the river, and not merely because the river happens to flow through the (proposed) wilderness area.

Section 201 of the Bill, amending Section 3(a) of the WSR Act to include "the 4.7 mile segment of the Middle Fork Hood River from the confluence of the Clear and Coe Branches to the Mount Hood National Forest boundary, as a scenic river" will create inevitable conflicts with Section 903 of the Bill, and serious concerns for MFID. For example:

How will the Wild And Scenic River and all corridor lands designations affect the functioning of the District, including its hydropower operations? Will those operations be deemed to affect or even impair the wild and scenic river? This is not addressed. The reconciliation of the existing District diversions, including its hydro system, and changes to them, with the provisions of the WSR Act is a serious unresolved issue in the Bill.

Is it clear under the Bill that MFID will be free to enter into and amend hydropower contracts, or change or expand its hydropower operations if necessary? It seems unlikely under this Bill.

Given a Wild and Scenic River designation, will the District be able to transfer, modify or supplement its water rights? This is essential for any District, but is unclear under the Bill.

May MFID clean, maintain reconstruct, and screen diversions on the Wild and Scenic rivers under the present Bill? It is not clear.

May MFID install fish passage where needed, or re-rout diversions, some of which changes are likely very beneficial to listed species and water quality? The Bill is not clear about these vital needs of MFID.

How will the Bill affect access by the District and its vehicles for maintenance, repairs, access to diversions, to gauges, and other equipment? Again this is not clear, but it will undoubtedly present a problem under the current language.

Will there be deemed to be an implied federal reservation of water rights for these Wild and Scenic rivers or for other purposes of the wilderness? Any such reservation should be expressly disclaimed.

If the State of Oregon follows suit and designates the same portions of the rivers, as well, as wild and scenic rivers, water use changes will be effectively paralyzed under the State law. How will the Bill address that?

These are only some of the issues that come to mind by the language of the Bill. We recommend that there be a clear exemption in the Bill that protects not only current operations of MFID but flexibly allows all current and future changes the District may need to make (through its own initiative, as may be recommended in a Biological Opinion, as provided under its USFS permit, or as required by law) to

its irrigation and hydropower systems for storage, diversion, and conveyance, and all access, maintenance and repair needs associated with such uses. Such exemption should carve these functions and spaces out from both the Bill and the WSR Act amendment within it.

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#### STATEMENT OF THE OREGON RECREATION COALITION

The Oregon Recreation Coalition supports Wilderness designation only in areas that meet the characteristics identified in the 1964 Wilderness Act and where evidence of human activity does not exist and has not existed.

The Lewis and Clark Mt. Hood Wilderness proposal, S. 2723, does not meet the above standard. The Oregon Recreation therefore opposes the proposal as written. This proposal would add in excess of 177,000 acres of Wilderness to the Mt. Hood Forest in about 15 different segments. The bill proposes bringing Wilderness boundaries up to the edge of many travel ways. Such placement of boundaries sets the Forest Service up for dealing with perceptions of conflict between Wilderness advocates and the users of the Wilderness locked roads and trails. Other travel ways have been "penciled out" in the plan. The proposal calls for an existing power line to be buried because a visible power line in a Wilderness Area is an "incongruent presence." The power line burial would be accomplished at a cost of \$3,200,000.00. There is evidence of logging across much of the landscape.

Recreation groups report at least 1100 miles of trails and roads would be eliminated or compromised by the proposal, not to mention the acres and miles of play areas currently open to over snow machines in the winter. The Forest Service is unable to confirm this figure because they do not have a comprehensive trails inventory. The Forest Service's own proposal to establish a designated route system for roads, trails and areas for OHV and Over Snow Vehicles is presently out for comment. A wise move would be to let them do their job, develop a comprehensive inventory and then decide to increase or decrease the system.

Recreationists support healthy forests. Many areas of the Mt. Hood Forest were logged about 60 years ago. Regrowth and underbrush in these areas have not been managed to the degree necessary to create a healthy forest. The risk of loss to wild fire is great. Evidence of dead and dying trees can be seen across the landscape. The East and South sides of the Forest do not receive enough moisture to support continued healthy growth of existing vegetation. Active management of these Forests is a must to reduce wild fire risk and intensity and to maintain a healthy forest. Wilderness designation does not support active management.

Recreationists support local economies. One of the recreational pursuits seriously impacted by this Wilderness proposal is snowmobiling. Snowmobiling is a growing sport. With recent technological advances effecting sound and fuel efficiency it is seen as a healthy, family winter activity. Snowmobiling generates jobs and income wherever facilities and trails are available.

Recent studies reveal that 9% of every dollar spent by snowmobilers ends up in government treasuries through various taxes paid. Across the Snow Belt in the United States and Canada last year snowmobilers generated over \$25 billion worth of economic activity. This proposal reduces one snowmobile trail system on the Mt. Hood Forest by 90% and another by about 65%.

In addition to reducing the snowmobile trail systems, the proposal reduces expansion potential of developed ski areas, in one case from 1500 acres to 50 acres. Down hill and cross country skiing are promoted as clean, healthy, growing family activities that promote physical health during an otherwise sedentary wintertime. Of every dollar spent by a skier, 80 cents supports the local economy.

These reductions in actual activity areas and in potential growth areas are included in the Wilderness proposal.

1. Despite recognition that the metropolitan center that qualifies Mt. Hood National Forest as an urban forest is growing and will require more rather than less opportunity for winter recreation;

2. Despite recognition that smaller communities are suffering financial hardships resulting from drastic reductions in income with the phasing out of mining and timber harvest activities; and

3. Despite the fact that in most places adequate protections for the land are already in place. Existing protections include an existing 180,000 acres of Wilderness on the Mt. Hood Forest. There are currently many Wild and Scenic River miles on the Mt. Hood Forest. Other protections include the Northwest Forest Plan, the Forest Services own management plan, the Endangered Species Act and the Clean Water Act.

If more protection is needed for some of the special areas, consideration should be given to a less restrictive designation such as Back Country Recreation. This designation, proposed by Blue Ribbon Coalition, allows the Forest Service to actively manage the land while continuing to preserve the back country character of the landscape.

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#### STATEMENT OF THE OREGON CHAPTER SIERRA CLUB

Representing nearly 23,000 Oregonians, the Oregon Chapter Sierra Club ("Oregon Chapter") submits the following written testimony for your consideration regarding S. 2723, the Lewis and Clark Mount Hood Wilderness Act of 2004. The Oregon Chapter has sought additional protection for Mt. Hood and the Columbia Gorge for some time and we applaud Senator Wyden for introducing legislation that we hope will provide protection for wild lands along the route taken by Meriwether Lewis, William Clark and the entire crew of the Corps of Discovery.

Wild lands in Oregon are shrinking as we speak. Large-scale commercial logging, off road vehicles and development continue to threaten the integrity of our forests, the watersheds and natural ecosystems they contain, and their loss harms the outdoor enthusiast who yearns for places to escape the every day stresses of modern civilization.

This year we celebrate the 40th year anniversary of the Wilderness Act, the 20th year anniversary of the Oregon Wilderness Act of 1984, and the 200th year anniversary of Lewis' and Clark's traversing this great nation. In light of this history, we see the protection of tens of thousands of acres on Mt. Hood and in the Columbia Gorge as an especially fitting honor to bestow upon these Oregon icons. Given the ever-increasing value of scarce water resources, the Oregon Chapter also appreciates the recognition of the scenic, wild and recreational value of nearly 48 miles of rivers that would forever be protected. Overwhelming numbers of Oregonians are in favor of these protections.

While Titles I and II are very attractive, the Oregon Chapter does not support S. 2723 as currently written. Nonetheless, we have been working and will continue to work with Senator Wyden to address our concerns over provisions in the remaining Titles that are either unrelated to the wilderness and wild and scenic rivers acts or are provisions that create exceptions to the laws and regulations that pertain to these acts. We are encouraged by the forward progress that Senator Wyden has made with this bill and in that vein the Oregon Chapter respectfully urges that the following changes be made to enable our support. These comments are provided as they appear within the bill.

The wilderness additions in Title I are set forth in a map that outlines numerous roads. These roads fragment the acreage designated as wilderness. The Oregon Chapter requests that additional road closures be authorized and funded to increase the Forest Service's ability to comply with its duty to manage them as provided in Section 2(c) of the Wilderness Act. The Oregon Chapter is particularly concerned about the impact of roads around the roadless areas that are smaller than the 5,000-acre benchmark contemplated by the Act. While the Oregon Chapter recognizes the existence of important wilderness quality areas smaller than 5,000 acres, we call on the Committee to respond to the need in this forest to close roads.

Knowledgeable community leaders and panelists at both of the Mt. Hood Summits that were held at Timberline Lodge in 2003 and 2004 echoed this call. Gail Achterman, from the Oregon Institute for Natural Resources, called for the closure of additional roads to protect watershed health and integrity. The Oregonian has also reported on the backlog of road closures and the management nightmare the excess of unused roads causes. Senator Wyden has obviously thought of the importance of funding key components of the legislation. With active funding for road rehabilitation and additional road closures the Forest Service will have the funds to achieve the mandate for these lands. Therefore, we strongly encourage the inclusion of funding for decommissioning, reconstruction, and restoration of all roads closed throughout the Mt. Hood National Forest in the bill. This will help create jobs as well as improve the natural function of the ecosystems.

The proposal also excludes previously logged areas resulting in some odd shapes and squares. In some places, the exclusion of these lands has pushed the proposed wilderness into narrow swaths and peninsulas. The idea that only pristine areas could be added to the National Wilderness Preservation System was set aside long ago, as evidenced by the Eastern Wilderness Areas Act and many others that followed soon thereafter. The Oregon Chapter suggests that wilderness boundaries include all public lands within a perimeter that goes to the nearest permanent road or development. That way, when the trees grow back, whether naturally or with

help from targeted restoration projects, those forests will increase the overall integrity of many of the superb wilderness additions in this legislation.

We understand the reasons for protecting areas while allowing mountain bikers to enjoy and explore them. The Sierra Club has many members nationwide and a great number enjoy this human-powered pursuit. We urge Congress to consider an appropriate designation that provides protection akin to wilderness yet also provides a way for the mountain bikers to continue to use their favorite trails. We support the use of a designation such as given the Opal Creek Scenic Recreation Area here in Oregon and the proposed Virginia Ridge and Valley Scenic Areas (H.R. 4202.IH) as alternative designations that can best achieve these goals. Our recent conversations with leaders in Oregon's mountain biking community suggest that we can reach common ground on using an appropriately crafted alternative designation. The current language concerns both our mountain biking constituents and wilderness advocates alike, with the mountain bikers fearing that the areas set aside for their use and enjoyment may revert to wilderness and bar their future use. We all agree that it is time to set aside any contention and set aside areas protected for bikes, not debate it again once the Forest Service issues a recommendation. The Oregon Chapter urges a solution using a special designation as the foundation to ensure permanent protection for an appropriate measure of wild lands in a way that permits mountain bikes. Many bikers are keenly aware of the need for best management practices for mountain bike trail maintenance. We would support the inclusion of those kinds of provisions, and look forward to continuing to work with the mountain bikers, Senator Wyden and this Committee on creating a replicable special designation allowing mountain bike use while preserving natural resource values. In the alternative, whether such a designation poses difficulties or not, Congress could simply preclude logging, mining, development, motorized vehicles, and other unwanted uses within specific boundaries without naming the area. That measure would address significant concerns from local bikers who are concerned about the overwhelming draw that can be created by excessive publicity for a special designation.

The Oregon Chapter is concerned about a number of provisions that may exempt actions from, or change definitions in order to meet, provisions of the Wild & Scenic Rivers Act and the Wilderness Act. These exemptions are mostly evident in Title VI and IX, and we ask that they be removed. The existing regulations and rules stand on their own and the bill should be reconciled with these provisions. As written, these provisions may confuse the management guidelines on the ground from established Wilderness Act and Wild & Scenic Rivers Act guidance.

The Oregon Chapter requests that highways be defined as "paved" and their maintenance allowed within standard setbacks. Any major federal project, regardless of the source of its recommendation, should not be allowed to circumvent the National Environmental Policy Act (NEPA) analysis and the applicable rules under the National Forest Management Act and other applicable laws and regulations.

The Oregon Chapter requests that the Clackamas County Land Exchange discussed in Title VII be carried out using NEPA procedures and that full and fair market value appraisals be conducted according to federal law. We request that appropriate procedures be followed to ensure the American public of an equal value exchange that is in the public interest.

The Oregon Chapter has significant concerns with the commercial logging provisions spelled out in Title VIII. The Sierra Club has been working to address fire protection and forest health issues for years, both promoting genuine community protection measures and opposing unsustainable old-growth logging dressed up as forest health projects. We have also been engaged in meaningful dialogue with concerned local citizens around Mt. Hood to reduce fire risks in priority areas around homes and communities. According to Jack Cohen, with the Forest Service's Fire Sciences Lab in Missoula, "research indicates that the home and its immediate surroundings within 100 to 200 feet principally determine the home ignition potential during severe wildland fires."<sup>1</sup>

While we are unable to support measures with the explicit goal of increasing commercial timber production on public lands, we appreciate Senator Wyden's interest in proactively treating plantations with pre-commercial thinning. With a focus on ecological priorities and in areas nearest to communities this legislation could both protect forest health and create jobs in local communities.

We are concerned that defining the success of the effort based on the achievement of acreage targets across the forest does not give the Forest Service the direction they need to prioritize areas most in need around the perimeters of communities

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<sup>1</sup>Jack D. Cohen, Research Scientist/Manager, U.S. Forest Service Fire Lab, Wildland-Urban Fire—A different approach, <http://firelab.org/fbp/fbresearch/wui/pubs.htm>

such as Parkdale and Hood River, Oregon. Furthermore, the east side forests and communities of Mt. Hood deserve the same protections given to the forests and people in Hood land corridor communities such as Welches and Zig Zag. The people of Dufur simply should not receive less in terms of community protection efforts than that those who live in Rhododendron. We ask that this bill be amended to ensure parity for west and east side forest communities.

We applaud the Senator's continued efforts to recognize the call for the protection of mature and old growth forests. Protection of older forests spelled out in Title VIII should be broadened to include trees and stands over 80 years of age. Forests over 80 years old are not the appropriate targets of efforts to restore forest health. The Senator is in sync with the people of Oregon as the result of his continued work to promote protections for old-growth forests, forests that the majority of Oregonians, both rural and urban, wish to protect.

The Oregon Chapter commends Senator Wyden for opening this important and historic dialogue. We look forward to our continued work with him and the communities around Mt. Hood in the coming months. We are available to provide assistance and on-the-ground expertise to effect the changes we seek and we very much look forward to supporting the resulting legislation.

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#### STATEMENT OF THE OREGON STATE SNOWMOBILE ASSOCIATION

The Oregon State Snowmobile Association supports Wilderness designation only in areas that meet the characteristics identified in the 1964 Wilderness Act and where evidence of human activity does not exist and has not existed. The areas identified in most of the 20 or so parcels proposed for addition to the Mt. Hood Wilderness areas contain roads, trails, highways, power lines, and evidence of logging activities.

The Lewis and Clark Mt. Hood Wilderness proposal, S. 2723, does not meet the standards of the 1964 Wilderness Act. The Oregon State snowmobile Association therefore opposes the proposal as written. This proposal would add in excess of 177,000 acres of Wilderness to the Mt. Hood Forest in about 20 different segments. The bill proposes bringing Wilderness boundaries up to the edge of many travel ways. Such placement of boundaries sets the Forest Service up for dealing with perceptions of conflict between Wilderness advocates and the users of the Wilderness locked roads and trails. Snowmobilers have experienced the results of this perceived use conflict in other areas where Wilderness advocates object to the presence of motorized vehicles close to the Wilderness boundaries.

Other travel ways have been "penciled out" in the plan. The proposal calls for an existing power line to be buried because a visible power line in a Wilderness Area is an "incongruous presence." The power line burial would be accomplished at a cost of \$3,200,000.00. Members of the Oregon State Snowmobile Association are taxpayers and as such object to the ever increasing burden being placed on them by such proposals.

Recreation groups report at least 1100 miles of trails and roads would be eliminated or compromised by the proposal. Approximately 460 miles of the compromised or eliminated roads and trails are currently designated Snowmobile trails. This does not include the acres and miles of play areas currently open to over snow machines in the winter that would no longer be available.

The Oregon State Snowmobile Association supports healthy forests for several reasons; recreational enjoyment, economic health through harvest of trees and of by-products, safety and the health of forest dependant species. Many areas of the Mt. Hood Forest were logged about 60 years ago. Regrowth and underbrush in these areas have not been managed to the degree necessary to create a healthy forest. The risk of loss by wild fire is significant, especially on the east and south sides of the Mountain. Evidence of dead and dying trees can be seen across the landscape. The east and south sides of the Forest do not receive enough moisture to support continued healthy growth of existing vegetation. Active management of these Forests is a must to reduce wild fire risk and intensity and to maintain a healthy forest. Wilderness designation does not support active management.

The Oregon State Snowmobile Association supports local economies. One of the recreational pursuits seriously impacted by this Wilderness proposal is snowmobiling. Snowmobiling is a growing sport. With recent technological advances effecting sound and fuel efficiency, snowmobiling is seen as a healthy, family winter activity. Snowmobiling generates jobs and income wherever facilities and trails are available.

S. 2723 references the Mt. Hood Forest Plan and claims that on the Mt. Hood Forest there is need for more Primitive recreation than currently exists and less Devel-

oped recreation than presently exists. Perhaps this data was developed prior to the addition of Wilderness acreage in 1984. The International Snowmobile Manufacturers Association reported on August 27, 2004, there has been a 43% growth in the number of registered snowmobiles over the last two decades.

Recent studies reveal that 9% of every dollar spent by snowmobilers ends up in government treasuries through various taxes paid. Across the Snow Belt in the United States and Canada last year snowmobilers generated over \$25 billion worth of economic activity. This Wilderness proposal reduces one snowmobile trail system on the Mt. Hood Forest by 90% and another by about 65%. These reductions are being proposed:

1. despite recognition that the metropolitan center that qualifies Mt. Hood National Forest as an urban forest is growing and will require more, rather than less opportunity for winter recreation;
2. despite recognition that smaller communities are suffering financial hardships resulting from drastic reductions in income with the phasing out of mining and timber harvest activities; and
3. despite the fact that in most places adequate protections for the land are already in place. Existing protections include an existing 180,000 acres of Wilderness on the Mt. Hood Forest. There are currently many Wild and Scenic River miles on the Mt. Hood Forest. Other protections include the Northwest Forest Plan, the Forest Service's own management plan, the Columbia Gorge National Scenic Area, the Endangered Species Act and the Clean Water Act.

If more protection is needed for some of the special areas, consideration should be given to a less restrictive designation such as Back Country Recreation. This designation, proposed by Blue Ribbon Coalition, allows the Forest Service to actively manage the land while continuing to preserve the back country character of the landscape.

The Oregon State Snowmobile Association represents many snowmobilers throughout the Pacific Northwest and the snow belt states as well as the 18,000 registered snowmobile owners in Oregon. Many of these people choose snowmobiling as their primary form of recreation and for some the snowmobile is their chosen method of transportation during the snow season.

The wilderness proposal will not only affect Oregon snowmobilers it will affect all snowmobile enthusiasts who travel to this state to enjoy their sport. The economic impact to Oregon will be significant.

When the snow is gone, "snowmobilers leave no trace".

#### RESOLUTION No. 36221

Endorse the Lewis and Clark Mount Hood Wilderness proposal and support federal wilderness protections for the remaining roadless areas in the Mount Hood National Forest and Columbia River Gorge (Resolution)

WHEREAS, the wild splendor of the Cascade Mountains and the Columbia River are well-known symbols of Oregon; and

WHEREAS, in 1805 Captains Meriwether Lewis and William Clark during the Corps of Discovery Expedition noted both the Columbia Gorge and Mount Hood in their Journals; and

WHEREAS, the forests and waters of the Mount Hood National Forest provide clean drinking water for millions of Oregonians; and

WHEREAS, the roadless forests and wildlands that remain in Oregon, and in particular, the Mount Hood National Forest and Columbia Gorge, provide easily accessible outdoor recreation, including but not limited to backcountry hunting and fishing, horseback riding, mountain climbing and backpacking, skiing and snowshoeing, canoeing and kayaking, hiking, camping, wild berry picking, wilderness bird-watching and wildlife viewing and countless opportunities for Portland's residents and their families to participate in outdoor recreation activities; and

WHEREAS, the citizens of the City of Portland use and enjoy these lands and have an interest in their maintenance in a pristine natural condition; and

WHEREAS, the Wilderness Act of 1964 offers the most certain and inviolable protections for federal lands, and that the Mount Hood National Forest are federal lands;

NOW, THEREFORE, BE IT RESOLVED, that in recognition of the current and future contributions of these lands to the economic and environmental vitality of the city and to the citizens of Portland, to the rest of the citizens of Oregon and the United States of America, the City of Portland hereby endorses the Lewis and Clark Mount Hood Wilderness proposal and supports federal wilderness protections for the

remaining roadless areas in the Mount Hood National Forest and Columbia River Gorge.

Adopted by the Council: June 9, 2004

GARY BLACKMER, Auditor of the City of Portland

